

BRITISH ENACTMENTS

In Force in Native States

VOLUME I

States in Direct Relation with the Government
of India.

- | | |
|----------------------------|-----------------------------|
| 1—Statutes in force | 4—Orders under Acts of the |
| 2—Acts of the Governor | Governor General in |
| General in Council in | Council |
| force | 5—Acts locally applied |
| 3—Orders under Statutes in | 6—Orders relating to Courts |
| force | 7—Local or Special Laws |

In Baluchistan, Baroda, Central India, Hyderabad, Kashmir,
Mysore, Nepal, North-West Frontier Province,
Rajputana, Sikkim and Bhutan.

COMPILED BY

J. M. MACPHERSON

*of the Inner Temple, Barrister-at-Law, and Secretary to the
Government of India, Legislative Department.*

SECOND EDITION

Revised and continued up to the 15th August 1899

By A. WILLIAMS, LL.M., I.C.S.

THIRD EDITION

Further revised and continued up to the 19th April 1913

By O. V. BOSANQUET, C.I.E., I.C.S.

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PREFACE TO THE FIRST EDITION.

THESE Volumes contain all the information I have been able to collect concerning the British Enactments in force in the Native States in India.¹

2. The term "British Enactments," as used in these volumes, includes—

- (I) the Enactments made by the British Legislature in exercise of the general jurisdiction which it possesses over its subjects and servants in all Native States, and
- (II) the Enactments made by or under the authority of the British Indian Executive Government in exercise of the special jurisdiction which it has acquired, usually over all persons, in certain Native States or places therein.

3. ²The distinction between these two classes of Enactments has been observed in classifying the British Enactments in force in the Native States dealt with in these volumes, the Enactments in force in each local area having been placed under separate heads according as they belong to one or other of these classes. Enactments which purport to be solely made under the authority of the Legislature, or which appear to be limited to the classes of persons with which the Legislature can deal, have been arranged under one head and styled "British-Indian Enactments"; whilst Enactments which purport to be made, in whole or in part, under the special authority of the Executive Government above described, or which do not appear to be limited to the classes of

¹ *i. e.*, the territories of any Native Prince or Chief under the suzerainty of Her Majesty exercised through the Governor-General of India, or through any Governor or other officer subordinate to the Governor-General of India—*see* 52 and 53 Vict., cap. 63, s. 18 (5).

² There are certain exceptions to the general rules laid down in this paragraph, which are noticed in the body of the Lists.

persons with which the Legislature can deal, have been arranged under a different head, having as its title the name of the particular place for which the Enactments have been made with the word "British" prefixed. Broadly speaking, the "British-Indian Enactments" are personal laws applicable only to British subjects or servants, whilst the other Enactments are territorial laws applicable to all persons in the particular places to which they respectively refer.

4. The minor classification under each of these heads is identical, the Enactments being arranged, as far as possible, in separate lists, as they are of the nature of—

- (1) Principal Enactments, that is, Enactments made under the immediate authority of the Legislature or the Executive Government, consisting of—

A.—Enactments of the Legislature—

- (a) Statutes,
- (b) Acts of the Governor-General in Council¹;

B.—Enactments of the Executive Government—

- (a) Enactments of the British-Indian Legislatures applied,
- (b) Special Laws; or

- (2) Subordinate Enactments, that is, Enactments (Rules and Orders) made under authority conferred in this behalf by Principal Enactments.

5. "Special Laws" are new laws made by the Executive Government for places in which it has acquired special jurisdiction, while "Enactments of the British-Indian Legislatures

¹Strictly speaking, *all* the Enactments of the Legislatures established in this country are Subordinate Enactments, inasmuch as the Indian Legislatures derive their authority solely from Parliamentary Enactments; but for the purposes of these Lists, Acts of the Governor-General in Council are classified as on the same footing with Statutes.

applied” are, as their title indicates, existing British-Indian Enactments which have, by order of the Executive Government, been adopted, usually with certain modifications, as laws in such places. Though there is no material distinction between these two kinds of Enactments, it has been found convenient to arrange them in separate groups in these volumes.

6. A general classification of the British Enactments which may be made for the Native States in India, and a detailed classification of the various British Enactments actually in force in the Native States dealt with in each volume, which have been prepared in accordance with the above remarks, will be found in Statements Nos. I and II, prefixed to these volumes (pages xi and xii).

7. The Enactments which the various Native States may have made for their respective territories are beyond the scope of this work.

8. For the convenience of local officers, each volume contains (*see* Part I) the British Enactments in force generally in all Native States in India, as well as the Enactments in force locally in the particular Native States with which it deals.

9. Numerous references to Aitchison’s Treaties have been inserted, which will, it is hoped, add to the usefulness of these Lists. The revised edition of 1876 is the one referred to.

10. A short alphabetical index of names of places has been appended for convenience of reference.

11. In compiling the volumes—

(a) Rules and Orders of a temporary nature or conferring powers on persons by name have, as a rule, been omitted ; and

(b) Special Laws and Subordinate Enactments, which are not to be found in the Codes published by the Legislative Department, have, as a rule, been set out *in extenso*.

12. Mr. G. R. Ridge of the Legislative Department Office has assisted me in the preparation of these Lists, and Mr. F. G.

Wigley, the Officiating Under Secretary, has kindly undertaken to supervise the passing of the final proof through the Press and the insertion of such Enactments as may be issued after this date.

13. Lastly, it must be stated that these volumes are not authoritative, and that the Government of India is in no way responsible for their contents. They have been compiled by me from the Official Gazettes, supplemented by local information obtained through the Foreign Department. Though I have made them as complete and accurate as was possible, having regard to the materials at my disposal and the limited time which I have been at liberty to devote to the work, I am fully conscious of their many defects. At the same time I hope that, notwithstanding their imperfections, the volumes will be found to be of some practical value to Political Officers and others desirous of obtaining information concerning the British Enactments in force in the Native States in India.

J. M. MACPHERSON.

SIMLA;

The 27th October 1890.

In his recent valuable work, "The Protected Native States of India," Mr. Lee-Warner states (see page 336) that if the reader 'refers to the official Gazettes of the Indian Government he will find many scores of pages devoted annually to the judicial notifications published by the political offices of the Empire. The law relating to the Native States fills thousands of pages.' The object of the work now being brought to completion has been to save the labour and trouble involved in referring to the official Gazettes for these Notifications by supplying information in a classified form as to their contents. Though the work only professes to contain lists of the Notifications in question, it will be found on examination that, except in the case of the two first volumes, which do not, as a rule, reproduce the subordinate Enactments, the whole of each Notification referred to in these volumes is set out *in extenso* either in the last column of the

Lists or in the appendices, so that a reference to the Gazettes, even for the purpose of ascertaining the exact words of a Notification, has been rendered unnecessary. Indeed, if used in conjunction with the "Codes" published by the Legislative Department, which contain the Statutes, Acts, and Regulations mentioned in the Lists, these volumes ought to form a fairly complete handbook to the British Enactments now in force in the Native States of India.

The subject of the relations between the British Government and the Native States of India has of late been brought before the public not only in Mr. Lee-Warner's work above mentioned, but also in Mr. Tupper's no less valuable work, "Our Indian Protectorate." In both these volumes these relations have been treated of chiefly from a politico-historical point of view. In his earlier work, entitled "A Collection of Treaties, Engagements, and Sanads relating to India and neighbouring countries," of which a revised edition has recently been published, Sir Charles Aitchison dealt very fully and comprehensively with the same subject, mainly from the standpoint of our contractual relations towards these States. In these and the previous volumes of this work an attempt has been made to approach this subject from what may be described as its legal or jurisdictional aspect, the object being to show the extent to which British-made law applies to these Native States, and, though these volumes are practically little more than compilations of information which is available to any one who chooses to study the Gazettes, they will perhaps help to throw light on what has hitherto been a somewhat confusing branch of the subject.

J. M. MACPHERSON.

SIMLA ;

The 1st January 1895.

PREFACE TO THE SECOND EDITION

IN preparing for publication the second edition of this work one important alteration has been introduced which, it is hoped, will render it more useful for purposes of reference. In the first edition the Enactments were merely summarized and included in the lists, with the exception of certain special ones, which were reproduced *in extenso* in Appendices: in the present edition, however, all Enactments which have been issued by the Government of India have been reproduced *in extenso*, except in so far as they are to be found in the volumes of General Acts of the Governor-General in Council, or in one of the Provincial Codes. In such cases full references are given: and the chronological lists which formed the basis of the first edition are only retained in a simplified form to serve the purposes of a table or index. In its present form it is hoped that the work may be regarded as a not inadequate supplement to the General Acts of the Governor-General in Council and the Provincial Codes.

2. A general nominal index has been added at the end of the sixth Volume (the Western Indian Volume) for facility of reference.

3. Mr. Macpherson, the Secretary to the Government of India in the Legislative Department, who compiled the first edition, has kindly permitted me to consult him in matters regarding the general scheme of the work, and I have to express my obligations to him for his advice. I have also had the assistance of Mr. Ridge of the Legislative Department Office, who has been most useful in helping to prepare the volumes for Press.

A. WILLIAMS.

SIMLA;
The 15th September 1899.

PREFACE TO THE THIRD EDITION.

IN this, the third, edition of "British Enactments in force in Native States," the system of arrangement has been altered from that adopted by Mr. (now Sir John) Macpherson in the first edition. States in relation with the Government of India, with the Administered Areas situated in them, have been grouped (Volumes I-III) apart from those in relation with Local Governments (Volume IV), while one Volume (V) is devoted to Railways wherever situated. Again orders under Acts applied and under Local Laws have been separated from the rest of the enactments, and form Volumes II and III in the case of the first group of States, and Part II of Volume IV in the case of the second group, and Part II of Volume V in the case of railways. Lastly, for convenience of reference, orders relating to Courts have been entered under a separate sub-head in each chapter in Volumes I, IV, Part I, and V, Part I. In the Appendices have been collected all orders to which there are constant references in the body of the work, or which it is convenient to group together for purposes of comparison, such as orders relating to the appointment of Justices of the Peace, of Marriage Registrars, and of Registrars of Births and Deaths.

Each Volume states the law as in force on the 19th April 1913.

O. V. BOSANQUET.

SIMLA;
The 24th April 1913.

CHAPTER 1.

BALUCHISTAN.

The territories constituting the charge of the Agent to the Governor-General in Baluchistan consist of—

A.—The Territories of His Highness the Khan of Kalat.

For the relations of the British Government with the State, which are conducted through the medium of the Agent to the Governor-General, Baluchistan, see Aitchison's Treaties, Volume IX, Part III, pages 373-409, and subsequent agreements.

B.—The territories administered by the Agent to the Governor-General in Baluchistan as such Agent (commonly called the Baluchistan Agency Territories) wherein jurisdiction has been absolutely ceded or otherwise acquired

The Baluchistan Agency Territories, divided into the districts of Quetta, Kohlu, Nasirabad and Railway (Sibi), Loralai, Zhob, and Bolan Pass and Nushki Railway are under fully organized British administration, each district forming the charge of a Political Agent. Nushki, Chagai and the Western Sinjaram country are administered by the Political Agent for Chagai, but under a simpler system than obtains in the Agency territories.*

*NOTE.—The Agent to the Governor-General is *ex-officio* Chief Commissioner of the Chief Commissionership of British Baluchistan, divided into the districts of Pishin, Sibi and Duki. Political Agents are also in charge, as Deputy Commissioners, of portions of British Baluchistan, the distribution being as follows:—

Name of District.	Parts in British Baluchistan	Parts in Agency Territories.
Quetta-Pishin	Pishin, Chaman and Shorarud Tahsils.	Pishin District. Quetta District.
Sibi	Sibi and Shahrug Tahsils.	Sibi District. Nasirabad Tahsil. Nasirabad Railway Tahsil. Kohlu Tahsil. Kohlu Railway Tahsil. Boru Tahsil. Musa Khel Tahsil. Sinjawi Tahsil. Barkhan Tahsil. The whole District.
Loralai	Duki Tahsil (Duki District)	
Bolan Pass and Nushki Railway District (in charge of Political Agent, Kalat).	Nil	
Zhob	Nil	The whole District.

A. —THE TERRITORIES OF HIS HIGHNESS THE KHAN OF KALAT.

The following British enactments are in force in Kalat territory :—

- I.—Statutes.—*See* Appendix I.
- II.—Acts of the Governor-General in Council.—*See* Appendix II.
- III.—Orders under Statutes.

No. 1664-P., dated the 13th July 1877—The following order of Her 39 and 40 Vict. cap. 46.
Majesty in Council is published for general information.—

AT THE COURT AT WINDSOR.

The 30th day of April, 1877.

PRESENT :

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas by an Act of Parliament made and passed in the Session of Parliament holden in the thirty-ninth and fortieth years of Her Majesty's reign, intituled "An Act for more effectually punishing offences against the laws relating to the Slave Trade," it is, amongst other things, enacted that—

If any person, being a subject of Her Majesty, or of any Prince or State in India in alliance with Her Majesty, shall, upon the High Seas or in any part of Asia or Africa which Her Majesty may from time to time think fit to specify by any Order in Council in this behalf, commit any of the offences defined in sections 367, 370 and 371 (in the schedule to this Act respectively recited) of Act XLV of 1860, passed by the Governor-General of India in Council, and called "The Indian Penal Code," or abet, within the meaning of the fifth chapter of the said Penal Code, the commission of any such offence, such person shall be dealt with in respect of such offence or abetment as if the same had been committed in any place within British India in which he may be or may be found.

Now, therefore in pursuance and by virtue of the said recited Act of Parliament, Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, that the said Act shall apply to the several parts of Asia and Africa hereinafter specified ; that is to say—

- (a) The territories of the Khan of Kalat and of the Sultan of Muscat in Mekran and Arabia.
- (b) The coasts of Baluchistan, and of the Bunder Abbas Districts, and the shores of the Persian Gulf.

- (c) The coast of Arabia from Ras Mussendom to Cape Babel-Mandeb.
 (d) The territories of the following tribes near Aden, namely,—

The Abdali.	The Amiri.
The Foodli.	The Subahi.
The Akrabi.	The Yafai.
The Howshabi.	The Oulaki.
The Alawi.	

- (e) The coast of Africa from Ras Sejarne to Delagoa Bay.
 (f) The territories of the Sultan of Zanzibar.
 (g) The sea and islands within ten degrees of latitude or longitude from such coasts and shores, respectively

And the Right Honourable the Marquis of Salisbury and the Right Honourable the Earl of Derby and the Lords Commissioners of the Admiralty are to give the necessary directions herein as to them may respectively appertain.

[*Gazette of India*, 1877, Pt. I, p. 381.]

53 and 54 Vict.
cap. 37.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—See Appendix III.

IV.—Orders under Acts of the Governor-General in Council.

- No. 4835, dated the 16th October 1903.*—Printed in Appendix V. Indian Christian Marriage Act, 1872.
Appointment of Marriage Registrar.
- No. 3746-I.B, dated the 1st October 1897.*—Printed in Appendix V. Delegation to the Agent to the Governor-General of powers under sections 6, 8 and 9.
- No. 1586-E, dated the 29th August 1892.*—Printed in Appendix V. Fees and rules.
- No. 855-I.B, dated the 16th April 1913.*—Printed in Appendix VI. Administrator-General's Act, 1874.
Kalat and Las Bela included in Presidency of Bombay for purposes of the Act.
- No. 3542-I, dated the 27th August 1891.*—Printed in Appendix VI. Exercise of the powers and duties of a District Judge under the Act.
- No. 3102, dated the 16th August 1909.*—Printed in Appendix XVII.
(The Indian Arms Rules, 1909.) Indian Arms Act, 1873.
Exemption of certain persons from certain prohibitions and directions contained in the Act
Rules regarding the export of arms and ammunition from, and their import into, British India.
- No. 4135-I, dated the 16th September 1887.*—Printed in Appendix VII. Indian Income-tax Act, 1886.
Officers invested with powers of a Collector for the purpose of granting certificates.
- No. 341, dated the 11th August 1904.*—In exercise of the power conferred by sub-section 4 of section 2 of the Indian Foreign Marriage Act, 1903 (XIV of 1903), the Governor-General in Council is pleased to prescribe a fee of Indian Foreign Marriage Act, 1903.
Fees and rules.

Rs. 5 for every certificate to the effect that notice under the Act has been given and published in accordance with the said section.

A Marriage Registrar, District Magistrate, Chief Presidency Magistrate or Political Agent may in his discretion remit a part not exceeding three-fourths of the fee to any person who appears to him to be in indigent circumstances.

Where the fee is received by any person, who is a Government servant and not a minister of religion, it shall be paid into a Government treasury; and where it is received by any other person it may be retained by him.

[*Gazette of India*, 1904, Pt. I, p. 592.]

Indian Extradition
Act, 1903.

Political Agents
authorised to grant
extradition for an
act against the law
of a State which
would constitute an
offence under the
Criminal Tribes Act,
1871, in British
India.

No. 3361-I.A., dated the 23rd December 1898.—Printed in Appendix IX.

Rules under the Act.

No. 1862-I.A., dated the 13th May 1904.—Printed in Appendix IX.

Indian Universities
Act, 1904.

Inclusion of
Baluchistan in the
territorial limits of
the Punjab Univer-
sity.

No. 717, dated the 20th August 1904.—Printed in Appendix X.

V.—Orders relating to Courts.

Execution of capital
sentences in British
India
Criminal law and
procedure of British
India applicable to
British subjects in
Native States.

No. 1431-I., dated the 27th April 1893.—Printed Appendix XIII.

No. 1863-I. A., dated the 13th May 1904.—Printed in Appendix IV.

Justices of the Peace
invested with powers
of Magistrates of the
first class and to hold
inquests.

No. 680-I. B., dated the 19th March 1912.—Printed in Appendix IV.

Appointments of
Justices of the Peace
with instructions
to commit to
the Chief Court of
the Punjab.

No. 3076-F. B., dated the 16th October 1903.
No. 3472-F. B., dated the 9th September 1904.
No. 1984-F. B., dated the 10th October 1910. } —Printed in Appendix IV.

B.—BALUCHISTAN AGENCY TERRITORIES.

The enactments for the time being in force in British Baluchistan, with the exception of the Naturalisation Act, 1852, have been brought into force in the Baluchistan Agency Territories by the following Notification of the Government of India in the Foreign Department :—

No. 1603-I.B., dated the 23rd July 1911.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to determine the law and procedure to be observed in the territories for the time being administered by the Agent to the Governor-General in Baluchistan as follows :—

1. All enactments, except the Naturalisation Act, 1852 (XXX of 1852), which are now or may hereafter be in force in British Baluchistan, and all notifications, rules, orders or bye-laws made or which may hereafter be made under such enactments shall, unless otherwise declared by the Agent to the Governor-General with the previous sanction of the Governor-General in Council, be deemed to be in force in the said territories.

2. For the purpose of facilitating the application of any of the aforesaid enactments, notifications, rules, orders or bye-laws, any Court in the said territories may construe them with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before the Court.

3. All notifications applying enactments to, or making laws for, the said territories, except those mentioned in the schedule hereto annexed, are hereby rescinded

Schedule.

Notification.	Enactment or Law applied or made
No 984 (A)-E, dated the 18th May 1889.	The Quetta Hackney Carriage Law, 1889
No. 977-E, dated the 17th May 1895 . . .	The Punjab Land Revenue Act, 1887 (XVII of 1887)
No. 1565(B)-E A, dated the 11th October 1899 .	The Punjab Land Revenue Act, 1887 (Amendment) Act, 1896 (XVII of 1896).
No 728-E, dated the 16th April 1896 . . .	The Specific Relief Act, 1877 (I of 1877).
No. 1536-E A, dated the 4th September 1896, as amended by No. 1153-E A., dated the 4th August 1898, No 1901-E A., dated the 8th December 1899, and No. 2143-E A., dated the 27th December 1901.	The Quetta Municipal Law, 1896.
No. 1538-F B., dated the 18th April 1904 .	The Indian Arms Act, 1878 (XI of 1878)
No 3677-F., dated the 29th November 1906 .	The Punjab Land Revenue Act (XVII of 1887).
² No. 987-I.B., dated the 12th May 1911 . . .	The Cantonments Act, 1910 (XV of 1910).

¹*Gazette of India*, 1911, Pt. I, p. 598.

²Inserted by Notification No. 1937-I.B., dated the 8th September 1911. *Gazette of India*, 1911, Pt. I, p. 748.

In addition the enactments cited below are separately in force.

Orders under Statutes.

44 and 45 Vict. c. 58. No. 477, dated the 21st August 1885—His Excellency the Governor-General in Council is pleased, under the authority of section 133 of the Army Act, to set apart the undermentioned buildings as a Military Prison, namely :—

The buildings or parts of buildings used as Garrison cells in the Quetta Cantonment

[*Gazette of India*, 1885, Pt. I, p 502]

No. 478, dated the 21st August 1885—His Excellency the Governor-General in Council is pleased, under the authority of section 133 of the Army Act, to set apart the buildings or parts of buildings at the undermentioned station as part of the Military Prison at that station and hereby declares the same to be part of such Military Prison, namely :—

Quetta—The two rooms in the centre of the south wing of the Station Hospital.

[*Gazette of India*, 1885, Pt I, p 502]

53 and 54 Vict. c. 37. The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix III.

Orders under Acts of the Governor-General in Council.

Indian Christian Marriage Act, 1872.

Delegation to the Agent to the Governor-General of powers under sections 6, 8 and 9.

No. 3746-I. B., dated the 1st October 1897.—Printed in Appendix V.

Fees and Rules.

No. 1586-E., dated the 29th August 1892.—Printed in Appendix V.

Administrator General's Act, 1874.

Inclusion of Baluchistan Agency Territories in the Presidency of Bombay for purposes of the Act.

No. 856-I. B., dated the 16th April 1913.—Printed in Appendix VI.

No. 3102, dated the 16th August 1909.—Printed in Appendix XVII.
(The Indian Arms Rules, 1909.)

Indian Arms Act,
1878.

Exemption of certain
persons from certain
prohibitions and
directions contained
in the Act.

Rules regarding the
export of arms and
ammunition from,
and their import
into, British India.

No. 4135-1, dated the 16th September 1887.

No. 3074-F.B., dated the 16th October 1903.

}—Printed in Appendix
VII.

Indian Income-tax
Act, 1886

Officers invested
with the powers of
Collectors for the
purpose of granting
certificates.

Births, Deaths and
Marriages Registra-
tion Act, 1886.

Appointment of
Registrars and
Registrar-General.

Reformatory Schools
Act, 1897.

Indian Universities
Act, 1904.

No. 3075-F. B., dated the 6th October 1903.—Printed in Appendix
VIII.

No. 717, dated the 20th August 1904.—Printed in Appendix X.

Inclusion of
Baluchistan in the
territorial limits of
the Punjab Univer-
sity.

Acts separately applied.

No 728-E, dated the 16th April 1896.—In exercise of the power conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879),¹ and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to apply the provisions of the Specific Relief Act (I of 1877) to the tahsil of Quetta, so far as they may be suitable :

Provided that, for the purpose of facilitating the application of the provisions of the enactment hereby applied, any Court in the tahsil of Quetta may construe them with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court :

Provided also that references to the Local Government shall be read as referring to the Agent to the Governor-General in Baluchistan, and references to British India as referring to the tahsil of Quetta.

[*Gazette of India*, 1896, Pt. I, p. 275.]

No. 1538-F. B, dated the 18th April 1904.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased, in continuation of notification No. 1455-E., dated the 27th July 1895, and in supersession of notification No. 116-E. A., dated the 14th January 1902, to apply sections 13, 14, the last twenty-six words of section 15, section 16 (except the words and figures “or by the issue of a notification under section 15”), and section 19, clauses (e), (f) and (i) of the Indian Arms Act, 1878 (XI of 1878), to the following local areas in the territories administered by the Agent to the Governor-General in Baluchistan as such Agent, namely :

In the Quetta District.

- (1) The municipality and the cantonment of Quetta.

In the Bolan Pass and Nushki Railway District.

- (2) The bazars at—

(a) Kolpur,	|	(e) Abigum,
(b) Hirok,		(f) Pishi,
(c) Mach,		(g) Panir,
(d) New Mach,		(h) Mushkaf, and
	(i) Rindli.	

¹See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix II.

In the Zhob District.

- (3) The civil and military station and the native town at Fort Sandeman.
- (4) The civil station and bazar at Hindubagh.
- (5) The civil and military station at Killa Saifulla.

In the Loralai District.

- (6) The civil and military station at Loralai.
- (7) The fort and bazar at Sinjawi.
- (8) The bazar at Smallan.
- (9) The civil station at Barkhan.
- (10) The civil and military station and bazar at Musakhel.

In the Kohlu, Nasirabad, and Railway District.

- (11) The bazars at—

(a) Spintangi,	(e) Lindsay,
(b) Babar Koch,	(f) Bellpat,
(c) Nari,	(g) Nuttal,
(d) Mithri,	(h) Temple Dera, and
(i) Jatpat.	

- (12) The civil station at Kohlu.

Generally.

- (13) All railway lands.

[*Gazette of India*, 1904, Pt. I, p. 221.]

Punjab Land
Revenue Act, 1887
(to the Quetta
Tahsil).

No. 977-E., dated the 17th May 1895.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879)¹ and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the tahsil of Quetta the provisions, so far as they may be suitable, of the Punjab Land Revenue Act (XVII of 1887) subject to the following modifications, that is to say :—

1. The expression “Local Government” in the said Act shall be construed to mean the Agent to the Governor General in Baluchistan.
2. The expression “Financial Commissioner” and “Commissioner” in the said Act shall in each case be construed to mean the Revenue Commissioner in Baluchistan.
3. The following provisions of the said Act shall not be deemed to be in force, namely :—
 - Sub-sections (2) and (3) of section 1 ;
 - Sub-sections (1) and (3) of section 2 ;

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

Clauses (b) and (c) of sub-section (9) of section 3 ;
 Sub-section (5) of section 6 ;
 Section 7 ;
 Section 42 ;
 Clause (b) of sub-section (2) of section 73 ;
 Proviso (a) in section 75 ;
 Clause (c) of section 98 ;
 Clause (e) of sub-section (2) of section 117
 Sub-section (1) of section 137

4. In sub-section (2) of section 2, for the words "under any of the repealed enactments" the words "prior to the application of this Act" shall be read.
5. In sub-section (13) of section 3, for the words "Legal Practitioners Act, 1879, except a mukhtar" the words "section 12 of the Baluchistan Agency Civil Justice Law, 1890" shall be read.
6. For section 5 the following words shall be read :—
 "The Agent to the Governor General in Baluchistan may by order in writing and with the previous sanction of the Governor General in Council, vary the limits of the tahsil of Quetta."
7. For sub-section (2) of section 6 the following words shall be read :—
 "The Political Agent for Quetta shall be the Collector of the tahsil of Quetta."
8. In sub-section (3) of section 6, for the words "Assistant Commissioner" the words "Assistant Political Agent" shall be read.
9. From section 8 the words "Commissioners, Deputy Commissioners, Assistant Commissioners and" shall be omitted.
10. From clause (a) of sub-section (1) of section 27 the words "Financial Commissioner, Commissioner or" shall be omitted.
11. From sub-section (2) of section 27 the words "Financial Commissioner," shall be omitted.
12. In sub-section (1) of section 43, for the words "either of the two last foregoing sections," the words "section 41" shall be read.
13. In clause (d) of sub-section (2) of section 117, for the words "Divisional Court or Chief Court" the words "Court of the Agent to the Governor General" shall be read.

14. In sub-section (1) of section 136 and in sub-section (2) of section 137, for the words and figures "Punjab Courts Act, 1884" the words and figures "Baluchistan Agency Civil Justice Law, 1890, as amended from time to time by subsequent orders" shall be read.

[*Gazette of India*, 1895, Pt. I, p. 405]

Punjab Land
Revenue Act, 1887
(certain sections only
to the Nasirabad
Tahsil).

No. 3677-F., dated the 29th November 1906—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to apply sections 19, 20, 32, 36 and 37 (omitting the reference to section 35 in section 37) of the Punjab Land Revenue Act, 1887 (XVII of 1887), to the Nasirabad Tahsil of the Kohlu, Nasirabad and Railway district in the territories administered by the Hon'ble the Agent to the Governor General in Baluchistan as such Agent and to direct that the Settlement Officer, Nasirabad, shall be a Revenue Officer within the meaning of those sections.

[*Gazette of India*, 1906, Pt I, p. 822.]

Punjab Land
Revenue Act (1887)
Amendment Act
(XVII of 1896) (to
the Quetta Tahsil).

No. 1565 (b)-E. A., dated the 11th October 1899—In continuation of the notification of the Government of India in the Foreign Department,¹ No. 977-E, dated the 17th May 1895, and in exercise of the powers cited therein, the Governor General in Council is pleased to apply to the tahsil of Quetta in the territories administered by the Agent to the Governor General in Baluchistan as such Agent the provisions, so far as they may be suitable, of Act XVII of 1896 (*an Act to amend the Punjab Land Revenue Act, 1887*) :

Provided that references in the said Act as so applied to the Local Government and the Financial Commissioner shall be read as referring, respectively, to the Agent to the Governor General and the Revenue Commissioner in Baluchistan.

[*Gazette of India*, 1899, Pt. I, p. 909]

Cantonments Act,
1910
(to the Agency
territories).

No. 987-I.B., dated the 12th May 1911.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in supersession of the notification of the Government of India in the Foreign Department, No. 120-I.B., dated the 20th January 1911, the Governor General in Council is pleased to apply to the territories administered by the Hon'ble the Agent to the Governor General in Baluchistan as such Agent, the provisions, so far as they may be applicable, of the Cantonments

¹ Printed *supra* page 12.

Act, 1910 (XV of 1910), subject to any amendments to which the Act is for the time being subject in British India, and subject also to the following modifications, namely —

- (1) For the words " Local Government " wherever they occur, the words " Agent to the Governor General in Baluchistan " shall be substituted.
- (2) In section 15, after the words " territories administered by such Government " each time they occur, the words " or in British India " shall be inserted.
- (3) In section 25, sub-section (1) shall be omitted.

Provided that, for the purpose of facilitating the application of the said Act, any Court having jurisdiction in the said territories, may construe the provisions thereof with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before the Court.

2. Sub-section (6) of section 5 of the Baluchistan Agency Laws Law, 1890, and the entry relating to the Cantonments Act, 1889 (XIII of 1889), in the schedule to the said Law are hereby repealed.

[*Gazette of India*, 1911, Pt. I, p. 337.]

VI.—Orders relating to Courts.

No. 1431-I., dated the 27th April 1893.—Printed in Appendix XIII.

No. 1863-I. A., dated the 13th May 1904.—Printed in Appendix IV.

No. 680-I. B., dated the 19th March 1912 —Printed in Appendix IV.

No. 814-E., dated the 19th April 1890.

No. 1799-E., dated the 9th September 1891.

No. 3076-F. B., dated the 16th October 1903.

No. 1984-I. B., dated the 10th October 1910.

}—Printed in Appendix IV.

Execution of capital sentences in British India.

Criminal Law and Procedure of British India applicable to British subjects in Native States.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

Appointment of Justices of the Peace with instructions to commit to the Chief Court of the Punjab.

¹*Other Criminal Courts.*

No. 4825, dated the 16th October 1903.—By direction of the Governor General in Council and in exercise of the powers conferred by the Code of Criminal Procedure, 1898, as applied to the territories administered by

The administrative districts in the Agency Territories to be districts for the

¹Under section 1 of the British Baluchistan Criminal Justice Regulation, 1896, as now in force in the Agency territories, the Judicial Commissioner is High Court, except in proceedings against European British subjects, but sentences of death passed or confirmed by him are subject to confirmation by the Agent to the Governor General.

purposes of the Code of Criminal Procedure and the Political Agent in each to be District Magistrate.

the Agent to the Governor General in Baluchistan as such Agent, and by the Baluchistan Agency Civil Justice Law, 1896, the said Agent is pleased to issue the following orders:—

(1) Each of the districts specified in notification¹ No. 4824 of this date shall be a district² for the purposes of the Code of Criminal Procedure, 1898, as applied to the territories above referred to, and shall be the area subject to the jurisdiction of the Court of a Political Agent for the purposes of the Baluchistan³ Agency Civil Justice Law, 1896.

(2) The person for the time being appointed by the Governor General in Council to hold the office of Political Agent in each of those districts shall be a Magistrate² of the 1st class and the District Magistrate for the purposes of the Code of Criminal Procedure 1898, as applied to the territories above referred to.

[*Gazette of India*, 1903, Pt. II, p. 1153.]

Court of Session, Bolan Pass District, authorized to sit at Quetta.

No. 5856, dated the 22nd June 1900.—Under section 9(2) of the Criminal Procedure Code as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, the Agent to the Governor General in Baluchistan is pleased to direct that the Court of Session, Bolan Pass District, may, when such a course is convenient to the parties or is expedient for the Court of Justice, hold its sittings in Quetta.

[*Gazette of India*, 1900, Pt. II, p. 753.]

Assistant Political Agent, Quetta, to be Assistant Sessions Judge of the Quetta Division.

No. 245, dated the 22nd January 1909.—In exercise of the powers conferred by section 9, clause (3), of the Criminal Procedure Code, 1898, the Hon'ble the Agent to the Governor General in Baluchistan is pleased to appoint the Assistant Political Agent, Quetta, for the time being to be an Assistant Sessions Judge of the Quetta Sessions Division.

[*Gazette of India*, 1909, Pt. II, p. 156.]

Appointments of Additional District Magistrate.

No. 339-S, dated the 1st February 1904.

No. 1970, dated the 4th April 1908

No. 1197-Z., dated the 26th July 1912

} Printed vol. II, page 78.

¹Printed Vol II, p 76.

²Under section 3 of the British Baluchistan Criminal Justice Regulation, 1896, as now in force in the Agency Territories each district is a Sessions Division, the Court of the District Magistrate is the Court of Session, and the District Magistrate is Judge of that Court, with power to take cognizance of any offence as a Court of original jurisdiction without the accused being committed by a Magistrate.

³See now the British Baluchistan Civil Justice Regulation, 1896, printed in the Baluchistan Code.

No. 4826, dated the 16th October 1903 — Printed Vol. II page 48.

Division of Districts
into Sub-Divisions.

No. 4827, dated the 16th October 1903.—In exercise of the powers conferred on the Local Government by section 12 of the Code of Criminal Procedure, 1898, as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, the said Agent is pleased to appoint the persons for the time being holding the offices specified in the first column of the annexed table to be Magistrates of the class specified opposite those offices in the second column of that table, in the local areas specified opposite those offices in the third column of that table, respectively :—

I. Offices.	II. Classes.	III. Local Areas.
1. The office of Assistant Political Agent of Quetta.	First class .	The Quetta District.
2. The office of Extra Assistant Commissioner of Quetta.	„ .	Ditto
3. The office of Assistant Political Agent of Zhob	„ .	The Zhob District.
4. The office of Extra Assistant Commissioner of Upper Zhob	„ .	The Upper Zhob Sub-Division.
5. The office of Extra Assistant Commissioner of Lower Zhob	„ .	The Lower Zhob and Fort Sandeman Sub-Divisions.
6. The office of Assistant Political Agent of Kohlu, Nasirabad and Railway District	„ .	The Kohlu, Nasirabad and Railway District
7. The office of the Extra Assistant Commissioner, Kohlu, and Railway Sub-Division.	„ .	The Kohlu and Railway Sub-Division
8. The office of Extra Assistant Commissioner of Nasirabad and Railway Sub-Division.	„ .	The Nasirabad and Railway Sub-Division
9. The office of Assistant Political Agent of Loralai.	„ .	The Loralai District.
10. The office of Extra Assistant Commissioner of Musakhel and Barkhan.	„ .	The Musakhel and Barkhan Sub-Division.
11. The office of Extra Assistant Commissioner of Sinjawi	„ .	The Sinjawi and Bori Sub-Division.
12. The office of Assistant Political Agent of Bolan Pass and Nushki Railway Sub-Division.	„ .	The Bolan Pass and Nushki Railway Sub-Division.

I Offices.	II Classes.	III. Local Areas.
13. The office of Native Assistant of Bolan Pass and Nushki Railway Sub-Division.	First class .	The Bolan Pass and Nushki Railway Sub-Division.
14. The office of Treasury Officer of Quetta.	2nd class .	The Quetta Sub-Division.
15. The office of Munsiff of Quetta .	„ .	Ditto.
16. The office of Tahsildar of Quetta	„ .	The Quetta Tahsil.
17. The office of Tahsildar of Bori .	„ .	The Bori Tahsil.
18. The office of Tahsildar of Barkhan	„ .	The Barkhan Tahsil.
19. The office of Tahsildar of Fort Sandeman.	„ .	The Fort Sandeman Tahsil.
20. The office of Tahsildar of Musakhel	„ .	The Musakhel Tahsil.
21. The office of Tahsildar of Hindubagh.	„ .	The Hindubagh Tahsil.
22. The office of Tahsildar of Killa Saifulla.	„ .	The Killa Saifulla Tahsil.
23. The office of the Naib Tahsildar of Bolan Pass and Nushki Railway.	„ .	The Bolan Pass and Nushki Railway Sub-Division.
24. The office of Tahsildar of Nasirabad.	„ .	The Nasirabad and Railway Sub-Division.
25. The office of Naib Tahsildar of Kohlu.	„ .	The Kohlu Tahsil.
26. The office of Naib Tahsildar of Sinjawi.	„ .	The Sinjawi Tahsil.
27. The office of Munsiff of Railway Tahsil.	„ .	The Kohlu Railway and Nasirabad Railway Tahsils.
28. The office of Naib Tahsildar of Quetta.	3rd class .	The Quetta Tahsil.
29. The office of Naib Tahsildar of Bori.	„ .	The Bori Tahsil.
29(a). The office of the 2nd Naib Tahsildar of Bori.	„ .	Ditto.

¹ Substituted by notification No. 5068, dated the 19th October 1909. *Gazette of India*, 1909, Pt. II, p 1675.

² Inserted by notification No. 3393, dated the 23rd July 1906. *Gazette of India*, 1906, Pt II, p 959

I. Offices.	II. Classes.	III Local Areas.
30. The office of First Naib Tahsildar, Fort Sandeman.	3rd class	The Fort Sandeman Tahsil.
31. The office of Second Naib Tahsildar of Fort Sandeman.	"	The Fort Sandeman Tahsil and the Lower Zhob Sub-Division.
31(a). The office of Naib Tahsildar of Kakar Khorassan	"	The Lower Zhob Sub-Division.
32. The office of Naib Tahsildar of Musakhel.	"	The Musakhel Tahsil.
33. The office of Naib Tahsildar of Hindubagh.	"	The Hindubagh Tahsil.
34. The Office of Naib Tahsildar of Killa Saifulla.	"	The Killa Saifulla Tahsil.
35. The office of Naib Tahsildar of Barkhan.	"	The Barkhan Tahsil.
36. The office of Naib Tahsildar of Nasirabad.	"	The Nasirabad Tahsil.

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[*Gazette of India*, 1903, Pt. II, p. 1153]

No. 3542-B., dated the 9th June 1908.—Under the provisions of section 12 of the Code of Criminal Procedure, 1898 (V of 1898), and of section 7 of the Cantonments Act, 1889 (XIII of 1889)², as applied to the Baluchistan Agency Territories, the Agent to the Governor General is pleased to appoint the Cantonment Magistrate of Quetta, for the time being, to be a Magistrate of the first class within the limits of the Quetta Cantonment.

[*Gazette of India*, 1908, Pt. II, p. 969.]

No. 5224, dated the 7th October 1908 —Under the provisions of section 12 of the Code of Criminal Procedure, 1898 (V of 1898), and of section 7 of the Cantonments Act, 1889 (XIII of 1889)², as applied to the Baluchistan Agency Territories, the Agent to the Governor General is pleased to appoint the Assistant Cantonment Magistrate of Quetta, for the time being, to be a Magistrate of the third class within the limits of the Quetta Cantonment.

[*Gazette of India*, 1908, Pt. II, p. 1539.]

¹ Inserted by notification No. 138-S, dated the 30th January 1908. *Gazette of India*, 1908, Pt II, p. 211

² See now the Cantonments Act, 1910 (XV of 1910), as applied *Supra* p. 14

Cantonment Magistrate Loralai, to be a Magistrate of the 2nd class.

No. 551-C, dated the 20th January 1897.—Under the provisions of section 12 of the Code of Criminal Procedure, 1882,¹ the Cantonment Magistrate at Loralai is invested *ex-officio* with the powers of a Magistrate of the second class within the local area of the Loralai Cantonment.

[*Gazette of India*, 1897, Pt. II, p 107.]

Magistrates placed in charge of Sub-Divisions

No. 4828, dated the 16th October 1903—In exercise of the powers conferred on the Local Government by section 13 of the Code of Criminal Procedure, 1898, as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, the said Agent is pleased to place the following Magistrates in charge of the sub-divisions named against each.—

Magistrate.	Sub-Divisions.
1 The Assistant Political Agent and 1st class Magistrate, Quetta	The Quetta Sub-Division.
2 The Extra Assistant Commissioner and 1st class Magistrate, Upper Zhob	The Upper Zhob Sub-Division.
3. The Extra Assistant Commissioner and 1st class Magistrate, Lower Zhob	The Lower Zhob Sub-Division.
4. The Assistant Political Agent and 1st class Magistrate, Zhob.	The Fort Sandeman Sub-Division.
5. The Assistant Political Agent of Kalat and 1st class Magistrate of the Bolan and Nushki Railway Sub-Division.	The Bolan Pass and Nushki Railway Sub-Division.
6. The Extra Assistant Commissioner and 1st class Magistrate of Kohlu and Railway Sub-Division.	The Kohlu and Railway Sub-Division.
7 The Extra Assistant Commissioner and 1st class Magistrate of Nasirabad and Railway Sub-Division.	The Nasirabad and Railway Sub-Division
8. The Assistant Political Agent and 1st class Magistrate, Loralai.	The Bori Sub-Division.
9. The Extra Assistant Commissioner and 1st class Magistrate, Sinjawi.	The Sinjawi Sub-Division.
10. The Extra Assistant Commissioner and 1st class Magistrate, Musakhel and Parkhan.	The Musakhel and Parkhan Sub-Division.
* *	* *

[*Gazette of India*, 1903, Pt II, p. 1155.]

¹ See now the Code of Criminal Procedure, 1898 (Act V of 1898) Printed General Acts, Vol. V, Ed 1909, p 14.

No. 4830, dated the 16th October 1903—In exercise of the powers conferred on the Local Government by section 37 of the Code of Criminal Procedure, 1898, as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, the said Agent is pleased to empower the persons for the time being holding the offices specified in the first column of the annexed table, to hear appeals from the decisions of any 2nd or 3rd class Magistrate exercising jurisdiction within the local areas specified opposite those offices in the second column of that table, respectively :—

I —Offices	II —Local Areas
1. The office of Assistant Political Agent and 1st class Magistrate of Quetta	The Quetta District.
2. The office of Extra Assistant Commissioner and 1st class Magistrate of Quetta	The Quetta District
3. The office of Assistant Political Agent and 1st class Magistrate of Zhob	The Zhob District.
4. The office of Extra Assistant Commissioner and 1st class Magistrate, Upper Zhob	The Upper Zhob Sub-Division.
5. The office of Extra Assistant Commissioner and 1st class Magistrate, Lower Zhob	The Lower Zhob Sub-Division.
6. The office of Assistant Political Agent and 1st class Magistrate of Loralai	The Loralai District
7. The office of Extra Assistant Commissioner and 1st class Magistrate, Musakhel and Barkhan	The Musakhel and Barkhan Sub-Division.
8. The office of Extra Assistant Commissioner and 1st class Magistrate, Sinjawi	The Sinjawi Sub-Division.
9. The office of Assistant Political Agent and 1st class Magistrate, Kohlu, Nasirabad and Railway District	The Kohlu, Nasirabad and Railway District.
10. The office of Extra Assistant Commissioner and 1st class Magistrate, Kohlu and Railway Sub-Division	The Kohlu and Railway Sub-Division.
11. The office of Extra Assistant Commissioner and 1st class Magistrate, Nasirabad and Railway Sub-Division	The Nasirabad and Railway Sub-Division
12. The office of Assistant Political Agent and 1st class Magistrate, Bolan Pass and Nushki Railway District.	The Bolan Pass and Nushki Railway District.
13. The office of Native Assistant and 1st class Magistrate, Bolan Pass and Nushki Railway District.	The Bolan Pass and Nushki Railway Sub-Division
*	*
*	*

[Gazette of India, 1903, Pt. II, p. 1156.]

Magistrates empowered to try summarily.

No. 4829, dated the 16th October 1903.—In exercise of the powers conferred on the Local Government by section 260 of the Code of Criminal Procedure, 1898, as applied to the territories administered by the Agent to the Governor General in Baluchistan as such Agent, the said Agent is pleased to empower the persons for the time being holding the offices hereinafter named, and being Magistrates of the first class, to try in a summary way all or any of the offences mentioned in the aforesaid section :—

- 1 The office of the Assistant Political Agent, Quetta.
2. The office of the Assistant Political Agent, Zhob.
3. The office of the Extra Assistant Commissioner, Upper Zhob.
4. The office of the Extra Assistant Commissioner, Lower Zhob
5. The office of the Assistant Political Agent, Kohlu, Nasirabad and Railway District.
6. The office of the Extra Assistant Commissioner, Kohlu and Railway Sub-Division
7. The office of the Extra Assistant Commissioner, Nasirabad and Railway Sub-Division.
8. The office of the Assistant Political Agent, Loralai.
- 9 The office of the Extra Assistant Commissioner, Musakhel and Barkhan.
10. The office of the Extra Assistant Commissioner, Sinjawi.
11. The office of the Extra Assistant Commissioner, Quetta.
12. The office of the Cantonment Magistrate in the Cantonment of Quetta.
13. The office of the Assistant Political Agent, Bolan Pass and Nushki Railway District.

* * * *

[*Gazette of India*, 1903, Pt. II, p. 1155.]

Number of jury in the Quetta Sessions Division.

No 5151, dated the 3rd November 1906.—Under the provisions of section 274 of the Code of Criminal Procedure, 1898, as applied to the territories administered by the Agent to the Governor General in Baluchistan, as such Agent, the Agent to the Governor General is pleased to direct, that in a trial by jury before the Court of Session in the Quetta District the jury shall consist of five persons.

[*Gazette of India*, 1906, Pt II, p. 1443.]

Civil Courts.

No 3072-F. B, dated the 16th October 1903 — In exercise of the power conferred by section 4, sub-section (1) of the Baluchistan Agency Civil Justice Law, 1896, and in supersession of the notification of the Government of India in the Foreign Department, No 273- E A., dated the 12th February 1897, the Governor-General in Council is pleased to appoint the persons for the time being holding the offices specified in the first column of the annexed table to be the presiding officers of the Courts specified opposite those offices in the second column of that table respectively :—

Offices.	Courts.
1. The office of the Judicial Commissioner in Baluchistan	The Court of the Judicial Commissioner in Baluchistan.
2 The office of the Political Agent in Quetta .	The Court of the Political Agent in Quetta.
3. The office of the Political Agent in Zhob .	The Court of the Political Agent in Zhob
4 The office of the Political Agent in the Bolan Pass and Nushki Railway.	The Court of the Political Agent in the Bolan Pass and Nushki Railway.
5. The office of the Political Agent in the Kohlu, Nasrabad and Railway District	The Court of the Political Agent in the Kohlu, Nasrabad and Railway District
6. The office of the Political Agent in Loralai	The Court of the Political Agent in Loralai.
7. The office of the Assistant Political Agent in Quetta.	The Court of the Assistant Political Agent in Quetta
8 The office of the Assistant Political Agent in Zhob.	The Court of the Assistant Political Agent in Zhob
9. The office of the Assistant Political Agent in Bolan Pass and Nushki Railway.	The Court of the Assistant Political Agent in Bolan Pass and Nushki Railway
10 The office of the Assistant Political Agent in Kohlu, Nasrabad and Railway District	The Court of the Assistant Political Agent in Kohlu, Nasrabad and Railway District.
11. The office of the Assistant Political Agent, Loralai.	The Court of the Assistant Political Agent in Loralai.
12. The office of the Cantonment Magistrate vested with the powers of the Assistant Political Agent in the Cantonment of Quetta.	The Court of the Cantonment Magistrate vested with the powers of the Assistant Political Agent in the Cantonment of Quetta.
13. The office of the Extra Assistant Commissioner of Quetta.	The Court of the Extra Assistant Commissioner of Quetta.
14 The office of the Extra Assistant Commissioner of Upper Zhob.	The Court of the Extra Assistant Commissioner of Upper Zhob.
15. The office of the Extra Assistant Commissioner of Lower Zhob.	The Court of the Extra Assistant Commissioner of Lower Zhob.

¹ See Section 3 of the British Baluchistan Civil Justice Regulation, 1896, as now in force in the Agency Territories.

Offices	Courts
16 The office of the Extra Assistant Commissioner of Kohlu and Railway Sub-Division	The Court of the Extra Assistant Commissioner of Kohlu and Railway Sub-Division.
17 The office of the Extra Assistant Commissioner of Nasirabad and Railway Sub-Division.	The Court of the Extra Assistant Commissioner of Nasirabad and Railway Sub-Division.
18 The office of the Extra Assistant Commissioner of Musakhel and Barkhan.	The Court of the Extra Assistant Commissioner of Musakhel and Barkhan
19 The office of the Extra Assistant Commissioner of Sinjawi	The Court of the Extra Assistant Commissioner of Sinjawi.
20 The office of the Native Assistant, Bolan Pass and Nushki Railway	The Court of the Native Assistant, Bolan Pass and Nushki Railway

[*Gazette of India*, 1903, Pt I, p 915]

Appointment of
presiding officers of
Civil Courts of the
fourth and fifth
grades

No 4832, dated the 16th October 1903.—In exercise of the powers conferred by section 4, sub-section (2) of the Baluchistan Agency Civil Justice Law, 1896, the Agent to the Governor General is pleased to appoint the persons for the time being holding the offices specified in the first column of the annexed table to be the presiding officers of the courts specified opposite those offices in the second column of that table respectively :—

Offices	Courts.
1 The office of Treasury Officer of Quetta	The Court of the Senior Munsiff of Quetta.
2 The office of Tahsildar of Quetta . .	The Court of the Tahsildar of Quetta
3 The office of Munsiff of Quetta . .	The Court of the Munsiff of Quetta.
4 The office of Tahsildar of Bori . .	The Court of the Tahsildar of Bori
5 The office of Tahsildar of Barkhan . .	The Court of the Tahsildar of Barkhan.
25 A The office of the Settlement Tahsildar of Barkhan.	The Court of the Second Tahsildar of Barkhan.
6 The office of Tahsildar of Musakhel . .	The Court of the Tahsildar of Musakhel
7 The office of Tahsildar of Fort Sandeman	The Court of the Tahsildar of Fort Sandeman
8 The office of Tahsildar of Hindubagh .	The Court of the Tahsildar of Hindubagh
9 The office of Tahsildar of Killa Saifulla	The Court of the Tahsildar of Killa Saifulla

¹ See section 3 of the British Baluchistan Civil Justice Regulation, 1896, as now in force in the Agency Territories

² Added by notification No 2444-R, dated the 4th May 1911. *Gazette of India*, 1911, Pt . II, p. 742

Offices.	Courts.
¹ 10 The office of Naib-Tahsildar in the Bolan Pass and Nushki Railway.	The Court of the Tahsildar in the Bolan Pass and Nushki Railway
11 The office of Tahsildar of Nasirabad .	The Court of the Tahsildar of Nasirabad.
12 The office of Naib-Tahsildar of Kohlu .	The Court of the Munsiff of Kohlu
13 The office of Naib-Tahsildar of Smjawari .	The Court of the Munsiff of Smjawari
14. The office of Munsiff of Sibi . . .	The Court of the Munsiff in the Railway Tahsil
15 The office of Naib-Tahsildar of Quetta .	The Court of the Naib-Tahsildar of Quetta.
16. The office of Naib-Tahsildar of Bori . .	The Court of the Naib-Tahsildar of Bori
² 16-A The office of the 2nd Naib Tahsildar of Bori	The Court of the 2nd Naib-Tahsildar of Bori.
17. The office of Naib-Tahsildar of Barkhan .	The Court of the Naib-Tahsildar of Barkhan
18 The office of Naib-Tahsildar of Musakhel .	The Court of the Naib-Tahsildar of Musakhel.
19 The office of First Naib-Tahsildar of Fort Sandeman.	The Court of the First Naib-Tahsildar of Fort Sandeman
20. The office of Second Naib Tahsildar of Fort Sandeman	The Court of the Second Naib-Tahsildar of Fort Sandeman and Lower Zhob Sub-division.
³ 20-A. The office of Naib-Tahsildar of Kakar Khorassan.	The Court of the Naib-Tahsildar of Kakar Khorassan
21 The office of Naib-Tahsildar of Hindubagh.	The Court of the Naib-Tahsildar of Hindubagh.
22 The office of Naib-Tahsildar of Killa Saifulla	The Court of the Naib-Tahsildar of Killa Saifulla
23 The office of Naib-Tahsildar of Nasirabad .	The Court of the Naib-Tahsildar of Nasirabad

[*Gazette of India*, 1903, Pt. II, p. 1157.]

No. 4825, dated the 16th October 1903.—Printed *supra* page 15.

The administrative districts to be the local limits of the jurisdiction of Courts of the second grade

¹ Substituted by notification No. 5087, dated the 19th October 1909. *Gazette of India*, 1909, Pt. II, p. 1675

² Added by notification No. 3392, dated the 23rd July 1906. *Gazette of India*, 1906, Pt. II, p. 959

³ Added by notification No. 140-S, dated the 3rd January 1908. *Gazette of India*, 1908, Pt. II, p. 211.

Constitution of Civil Courts of the third, fourth and fifth grades with the limits of their jurisdiction.

No. 4831, dated the 16th October 1903—In exercise of the powers conferred by section 5 of the Baluchistan Agency Civil Justice Law, 1896, and with the previous sanction of the Governor General in Council, the Agent to the Governor General is pleased to constitute the undermentioned Courts, and to fix the local limits of the jurisdiction of each such Court as follows :—

Name of Court	Local limits of jurisdiction.
1.—COURTS OF THE ASSISTANT POLITICAL AGENTS, THE EXTRA ASSISTANT COMMISSIONERS AND THE NATIVE ASSISTANT.	
1. The Court of the Assistant Political Agent of Quetta.	The Quetta District.
2 The Court of the Extra Assistant Commissioner of Quetta	The Quetta District.
3. The Court of the Assistant Political Agent of Zhob.	The Zhob District
4. The Court of the Extra Assistant Commissioner, Upper Zhob	The Zhob District.
5. The Court of the Extra Assistant Commissioner, Lower Zhob.	The Zhob District.
6. The Court of the Assistant Political Agent, Bolan Pass and Nushki Railway.	The Bolan Pass and Nushki Railway District.
7 The Court of the Native Assistant, Bolan Pass and Nushki Railway.	The Bolan Pass and Nushki Railway District.
8 The Court of the Assistant Political Agent, Kohlu, Nasirabad and Railway.	The Kohlu, Nasirabad and Railway District.
9. The Court of the Extra Assistant Commissioner, Kohlu and Railway.	The Kohlu and Railway Sub-Division.
10. The Court of the Extra Assistant Commissioner, Nasirabad and Railway.	The Nasirabad and Railway Sub-Division.

Name of Court.	Local limits of jurisdiction.
11. The Court of the Assistant Political Agent of Loralai	The Loralai District.
12. The Court of the Extra Assistant Commissioner, Musakhel and Barkhan.	The Musakhel and Barkhan Tahsils.
13. The Court of the Extra Assistant Commissioner, Sinjawi.	The Sinjawi Tahsil.
II.—COURTS OF THE TAHSILDARS AND MUNSIFFS.	
14. The Court of the Senior Munsiff of Quetta .	The Quetta Tahsil.
15. The Court of the Tahsildar of Quetta .	The Quetta Tahsil.
16. The Court of the Munsiff of Quetta .	The Quetta Tahsil.
17. The Court of the Tahsildar of Bori .	The Bori Tahsil.
18. The Court of the Tahsildar of Barkhan .	The Barkhan Tahsil
18-A. The Court of Second Tahsildar of Barkhan	The Barkhan Tahsil
19. The Court of the Tahsildar of Fort Sandeman	The Fort Sandeman Tahsil.
20. The Court of the Tahsildar of Musakhel .	The Musakhel Tahsil.
21. The Court of the Tahsildar of Hindubagh	The Hindubagh Tahsil.
22. The Court of the Tahsildar of Killa Saifulla	The Killa Saifulla Tahsil.
23. The Court of the Tahsildar of Bolan Pass and Nushki Railway.	The Bolan Pass and Nushki Railway Tahsil.
24. The Court of the Tahsildar of Nasirabad .	The Nasirabad Tahsil.
25. The Court of the Munsiff of Kohlu .	The Kohlu Tahsil.

¹ Added by notification No 2443-R., dated the 4th May 1911. *Gazette of India*, 1911, Pt. II, p. 742.

Name of Court	Local limits of jurisdiction.
26 The Court of the Munsiff of Sinjawi .	The Sinjawi Tahsil
27. The Court of the Munsiff of Railway Tahsil	The Kohlu Railway and the Nasirabad Railway Tahsils.

III.—COURTS OF THE NAIB TAHSILDARS.

28 The Court of the Naib Tahsildar of Quetta .	The Quetta Tahsil
29 The Court of the Naib Tahsildar of Bori .	The Bori Tahsil
¹ 29-A The Court of the 2nd Naib Tahsildar of Bori.	The Bori Tahsil
30. The Court of the 1st Naib Tahsildar of Fort Sandeman	The Fort Sandeman Tahsil.
31. The Court of the 2nd Naib Tahsildar of Fort Sandeman.	The Fort Sandeman Tahsil and the Lower Zhob Sub-Division.
² 31-A. The Court of the Naib Tahsildar of Kakar Khorassan	The Lower Zhob Sub-Division.
32 The Court of the Naib Tahsildar of Musakhel	Musakhel Tahsil.
33 The Court of the Naib Tahsildar of Hindubagh.	The Hindubagh Tahsil
34. The Court of the Naib Tahsildar of Killa Saifulla.	The Killa Saifulla Tahsil.
35. The Court of the Naib Tahsildar of Barkhan	The Barkhan Tahsil.
36 The Court of the Naib Tahsildar of Nasirabad	The Nasirabad Tahsil.

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[*Gazette of India*, 1903, Pt. II, p. 1156]

¹ Added by notification No. 3391, dated the 23rd July 1906, as corrected by No 3769, dated the 3rd September 1906 *Gazette of India*, 1906, Pt II, pp 959 and 1215

² Added by notification No 129 S, dated the 30th January 1908 *Gazette of India*, 1908, Pt I p. 211.

No. 550-S, dated the 26th February 1910.—In exercise of the powers conferred upon him by section 93, sub-section (1) of the Baluchistan Agency Civil Justice Law, 1896, the Hon'ble the Agent to the Governor General is pleased to invest the Assistant Political Agent of Quetta for the time being with all the powers of a Political Agent and to declare that the said powers shall be exercised within the local area of the Quetta District and with respect to civil cases generally, subject to such distribution of work as may from time to time be ordered in writing by the Judicial Commissioner in Baluchistan under sub-section (3) of section 93 of the said [Law¹.]

[Gazette of India, 1910, Pt. II, p. 321.]

No. 4833, dated the 16th October 1903—In exercise of the powers conferred by section 93, sub-section (1), of the Baluchistan Agency Civil Justice Law, 1896, the Agent to the Governor General in Baluchistan is pleased to invest the officers specified in the first column of the annexed table with the powers conferred on Political Agents by section 67, sub-section (2), of the said Law as far as relates to the hearing of appeals from the decrees or orders of Tahsildars, Munsiffs and Naib Tahsildars exercising jurisdiction in original suits within the local areas specified opposite those officers respectively in the second column of the same table :—

Appointments	Local area
1 The Assistant Political Agent, Loralai	The Loralai District
2 The Extra Assistant Commissioner, Musakhel and Barkhan	The Musakhel and Barkhan Tahsils.
3 The Extra Assistant Commissioner, Sinjawi	The Sinjawi Tahsil
4 The Assistant Political Agent of Quetta	The Quetta District.
5 The Extra Assistant Commissioner, Quetta	The Quetta District
6 The Assistant Political Agent, Kohlu, Nasirabad and Railway District	The Kohlu Nasirabad and Railway District.
7 The Extra Assistant Commissioner, Kohlu and Railway sub-division	The Kohlu and Railway Tahsils
8 The Extra Assistant Commissioner, Nasirabad and Railway sub-division	The Nasirabad and Railway Tahsils.
9 The Assistant Political Agent of Zhob	The Zhob District
10 The Extra Assistant Commissioner of Upper Zhob	The Upper Zhob sub-division
11 The Extra Assistant Commissioner of Lower Zhob	The Lower Zhob sub-division.
12 The Assistant Political Agent, Bolan Pass and Nushki Railway District	The Bolan Pass and Nushki Railway District.
13 The Native Assistant, Bolan Pass and Nushki Railway District.	The Bolan Pass and Nushki Railway District.
* * *	* * *

[Gazette of India, 1903, Pt II, p 1158.]

¹ Substituted by notification No 621, dated the 14th March 1910 *Gazette of India*, 1910, Pt. II, p 424.

Constitution of
certain Courts not
provided for by the
British Baluchistan
Civil Justice
Regulation.

No. 1602-I B, dated the 28th July 1911.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to direct :

- (1) that each of the officers mentioned in the first column of the schedule hereto annexed shall have power to try original suits of value not exceeding ten thousand rupees within the local area in the Baluchistan Agency territories described opposite his official designation in the second column of the schedule, and
- (2) that the Native Assistant, Bolan Pass and Nushki Railway District, shall have power to hear appeals from the decrees and orders of the Naib Tahsildar, Bolan Pass.

Schedule.

Officer.	Local area.
Cantonment, Magistrate, Quetta	Quetta Cantonment.
Native Assistant, Bolan Pass and Nushki Railway .	Bolan Pass and Nushki Railway District.

[*Gazette of India*, 1911, Pt I, p. 597.]

Small Cause Court
powers of the
Cantonment
Magistrate, Quetta.

No. 3542-A, dated the 9th June 1908 —Under the provisions of section 6 (1) of the Provincial Small Causes Courts Act, 1887 (IX of 1887), and of section 8 (1) of the Cantonments Act, 1889 (XIII of 1889)¹, as applied to the Baluchistan Agency Territories, and with effect from the 21st May 1908, the Hon'ble the Agent to the Governor General is pleased to appoint the Cantonment Magistrate of Quetta, for the time being, to be the Judge of the Court of Small Causes in the Cantonment of Quetta, with powers to exercise jurisdiction in suits of which the value does not exceed five hundred rupees.

[*Gazette of India*, 1908, Pt. II, p. 968.]

Ditto of the
Assistant Cantonment
Magistrate.

No. 1951, dated the 17th April 1909 —With the previous sanction of the Governor General in Council and under the provisions of Section 8 (1) of the Provincial Small Cause Courts Act, 1887 (IX of 1887), and of section 9 of the Cantonments Act, 1889 (XIII of 1889)¹, as applied to

¹ See now the Cantonments Act, 1910 (XV of 1910) as applied. *Supra* p. 14.

the Baluchistan Agency Territories, the Hon'ble the Agent to the Governor General is pleased to appoint the Assistant Cantonment Magistrate of Quetta, for the time being, to be an additional Judge of the Court of Small Causes in the Cantonment of Quetta with power to exercise jurisdiction in suits of which the value does not exceed fifty rupees.

[*Gazette of India*, 1909, Pt. II, p 677]

No. 203, dated the 7th January 1902. } —Printed Vol. II, pages 32
 No. 1134-Z, dated the 7th August 1908. } and 33. Extra Assistant Commissioner, Quetta, and Assistant Political Agent, Kohlu, Nasirabad and Railway District invested with powers of District Court for purposes of the Succession Certificate Act, within their districts,

No. 2041, dated the 13th May 1910.—Printed Vol. II, page 54. Extra Assistant Commissioner, Quetta, invested with powers of District Court for purposes of the Insolvency Act.

No. 786-I. B., dated the 9th April 1913.—Printed in Appendix XII A. Courts in British India empowered to send summons and decrees for service and execution by Civil Courts in Agency Territories.

No. 1366-I., dated the 29th March 1889. }
 No. 1367-I., dated the 29th March 1889. } Printed in Appendix XII A. Service by Civil Courts in Agency Territories of summonses—
 (a) of Civil or Revenue Courts in British India ;
 (b) of other Courts established or continued by the Governor General in Council ;
 (c) of Civil or Revenue Courts of Hyderabad, Mysore, Central India States, States in the political control of the Bombay Government and Baroda.

¹For lists of such Courts see notifications Nos 786—788-I. B., dated the 9th April 1913. Printed in Appendix XII A.

Execution by Civil
Courts in the
Agency Territories
of decrees¹—
of certain
Courts of Mysore,
States in the political
control of the
Bombay Government
and Baroda.

Service of sum-
monses of Civil
Courts in the Agency
Territories¹—
(a) by other² courts
established or con-
tinued by the
Governor General in
Council
(b) by Civil Courts
of the Baroda and
Mysore States.

Execution of
decrees of Civil
Courts in the
Agency Territories¹—
(a) by other²
courts established or
continued by the
Governor General in
Council.
(b) Civil Courts of
the Baroda and
Mysore States.

No. 1364-I, dated the 29th March 1889
No. 4051-I A, dated the 18th September 1902.
No. 399-I. B., dated the 25th February 1910. } —Printed in Appen-
dix XII A.

No. 1367-I, dated the 29th March 1889.—Printed in Appendix XIIA

No. 308-I. B., dated the 25th February 1910.
No. 2622-I. B., dated the 24th December 1912. } —Printed in Appen-
dix XII C.

No. 1363-I, dated the 29th March 1889.—Printed in Appendix XIIA.

No. 2623-I. B., dated the 24th December 1912.—Printed in Appendix
XII C.

¹ Execution by these Courts or decrees of Courts in British India of other Courts established or continued by the Governor General in Council is provided for by sections 223—229 of the Code of Civil Procedure, 1882 (XIV of 1882), as extended to British Baluchistan and so in force now in the Agency Territories. Conversely Courts in British India serve the summonses and execute the decrees of these Courts under sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1902).

² See footnote 1 on the previous page

Local Laws

No 984 (A - E., dated the 18th May 1889) — In exercise of the powers conferred by sections 4 and 5 of the ¹Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following Law for the regulation and control of hackney carriages in the district, including the cantonment and town, of Quetta —

Short title, local extent, and commencement

1. (1) This Law may be called the Quetta Hackney Carriage Law, 1889

(2) It extends to the district, including the cantonment and town, of Quetta, and

(3) It shall come into force at once.

2. In this Law "hackney carriage" means any wheeled vehicle drawn by animals and used for the conveyance of passengers, which is kept, or offered, or plus for hire.

Definition of hackney carriage.

3. (1) The Agent to the Governor General in Baluchistan may, from time to time, make rules for the regulation and control of hackney carriages within the limits of the district, including the cantonment and town, of Quetta

Power to Agent to the Governor General in Baluchistan to make rules.

(2) Every rule made under this section shall, when published for such time and in such manner as the Agent to the Governor General may, from time to time prescribe, have the force of law

Provided that the Governor General in Council may, at any time, rescind any such rule.

4 The rules to be made under section 3 may, among other matters,—

What rules may provide for

- (a) direct that no hackney carriage, or no hackney carriage of a particular description, shall be let to hire, or taken to ply, or offered for hire, except under a license granted in that behalf;
- (b) direct that no person shall act as driver of a hackney carriage except under a license granted in that behalf,
- (c) provide for the issue of the licenses referred to in clauses (a) and (b), prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;
- (d) regulate the description of animals, harness and other things to be used with licensed carriages, and the condition in which such carriages, and the animals, harness and other things used

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix III.

- therewith, shall be kept and the lights (if any) to be carried after sunset and before sunrise,
- (e) provide for the inspection of such carriages, animals and harness and also provide for the inspection of the premises on which any such carriages animals, harness and other things are kept,
 - (f) fix the time for which such licenses shall continue in force, and the events (if any) upon which within that time they shall be subject to revocation or suspension,
 - (g) provide for the numbering of such carriages,
 - (h) determine the time at which, and the circumstances in which, any person keeping a hackney carriage shall be bound to let or refuse to let the carriage to any person requiring the same ;
 - (i) appoint places as stands for hackney carriages, and prohibit such carriages, waiting for hire except at such places ;
 - (j) limit the rates or fares, as well for time as distance, which may be demanded for the hire of any hackney carriage, and prescribe the minimum speed at which such carriages when hired by time shall be driven ,
 - (k) limit the number of persons, and the weight of property, which may be conveyed by any such carriage ;
 - (l) require the owner or person in charge of any such carriage to keep a printed list of fares in English and such other language as may be prescribed, affixed inside such carriage in such place as may be determined by the rules, and prohibit the destruction or defacement of such list ,
 - (m) require drivers to wear a numbered badge or ticket (or a certain uniform) and to produce their licenses when required by a Magistrate or other person authorised by the rules in this behalf, and prohibit the transfer or lending of such licenses, badges, tickets or uniform ; and
 - (n) provide for the deposit of property found in such carriages, and the payment of a fee by the owner of such property on the delivery thereof to him.

5. Any person breaking any rule made under this Law will be punished with fine which may extend to fifty rupees.

6. The amount of any fees received and the amount of any expenses incurred in giving effect to this Law shall be credited and debited respectively in such proportion as the Agent to the Governor General may, from time to time, direct to the Quetta Local Fund and to the Quetta Cantonment Fund.

7. (1) If any dispute arises between the hirer of any hackney carriage and the owner or driver of such carriage as to the amount of the fare payable by such hire under any rule made under this Law, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate within the local limits of whose jurisdiction such dispute has arisen, and such Magistrate may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate thinks fit

(2) Any sum determined to be due or directed to be paid under this section shall be recoverable under the provisions of the Code of Criminal Procedure, 1882,¹ as if it were a fine.

(3) The decision of any Magistrate in any case under this section shall be final.

8. (1) If at the time of any dispute mentioned in section 7 any Magistrate having jurisdiction in respect of such dispute is sitting, the hirer of the carriage may require the driver thereof to take him in the same to the Court of such Magistrate for the purpose of making an application under that section

(2) Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees or with both.

[*Gazette of India*, 1889, Pt I, p. 297.]

No 1536-E A, dated the 4th September 1896.—In exercise of the powers conferred by sections 4 and 5 of the ² Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council has been pleased to make the following Law for the administration of the Quetta Municipality :—

CHAPTER I.

PRELIMINARY.

Title and commencement

1. (1) This Law may be called the Quetta Municipal Law, 1896, and

(2) It shall come into force on such day³ as the Agent to the Governor

¹ Now the Code of Criminal Procedure, 1898, which is locally in force Printed General Acts, Vol V, Ed 1909, p. 14

² See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix I II

³ The 15th October 1896 was so appointed by notification No. 6992, dated the 5th *vide* — *Gazette of India*, 1896, Pt. II, p. 105.

General in Baluchistan may by notification in the *Gazette of India* appoint in that behalf.

Definitions.

2. In this Law, unless there is anything repugnant in the subject or context,—

- (i) "Municipality" means the Municipality of Quetta within such limits as may be defined from time to time by order of the Agent to the Governor General.
- (ii) "Committee" means the Committee constituted under this Law :
- (iii) "Agent to the Governor General" means the Agent to the Governor General in Baluchistan ; "Commissioner" means the Revenue Commissioner in Baluchistan ; ¹ ["Assistant Political Agent" means "Assistant Political Agent, Quetta",] and "Extra Assistant Commissioner" means the Extra Assistant Commissioner in Quetta .
- (iv) "inhabitant" includes any person ordinarily residing or carrying on business or owning or occupying immoveable property in the Municipality
- (v) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway .
- (vi) "owner" includes the person for the time being receiving the rent of any land or building, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant
- (vii) "notification" means a notification published by authority of the Agent to the Governor General in the *Gazette of India* :
- (viii) "notified" means published as aforesaid :
- (ix) "prescribed" means prescribed by rules made by the Agent to the Governor General under this Law . and
- (x) "Political Agent" means the Political Agent for Quetta and Pishin, and, in the absence of the Political Agent, such officer as may be appointed, by name or by virtue of his office, by the Agent to the Governor General to discharge the duties of the Political Agent under this Law.

¹ Inserted by notification No. 2592-I. B, dated the 22nd November 1911. *Gazette of India*, 1911, Pt I, p. 1014

CHAPTER II.

ORGANIZATION AND CONSTITUTION OF THE COMMITTEE

3. There shall be established for the Municipality a Committee consisting of—

Constitution of Committee (a) the Political Agent, and
(b) such persons, not fewer than six, as the Agent to the Governor General may appoint in that behalf.

4. (i) The term of office of a member of the Committee shall be fixed by the Agent to the Governor General by rule, made under this Law and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(ii) An outgoing member shall, if otherwise qualified, be again eligible, for appointment.

5 Any member may resign by notifying in writing his desire to do so to the Political Agent, and, on his resignation being accepted by the Agent to the Governor General, he shall be deemed to have vacated his office.

Powers of Agent to the Governor General to remove appointed members 6 The Agent to the Governor General may remove any appointed member of the Committee—

- (a) if he refuses to act, or becomes, in the opinion of the Agent to the Governor General, incapable of acting, or is declared insolvent or is convicted of any such offence, or subjected by a Criminal Court to any such order as implies, in the opinion of the Agent to the Governor General, a defect of character which unfits him to be a member ;
- (b) if he has been declared by notification to be disqualified for employment in the public service ;
- (c) if he, without an excuse sufficient in the opinion of the Agent to the Governor General, neglects for more than three consecutive months to be present at the meetings of the Committee ;
- (d) if his continuance in office is, in the opinion of the Agent to the Governor General, dangerous to the public peace or order : or
- (e) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Agent to the Governor General, unnecessary or undesirable.

7. The Committee shall come into existence at such time as the Agent to the Governor General may, by notification, appoint in that behalf.

Time of Committee coming into existence.

Chairman and Vice-Chairman

The duties of the Political Agent. § (1) The Political Agent shall be *ex-officio* Chairman of the Committee

(ii) The Political Agent shall be responsible for the proper maintenance of the accounts he shall prepare the annual budget and such supplementary budgets as may from time to time be necessary, and the annual administration report, and lay the same before the Committee.

Provided that the Political Agent shall not incur any expenditure not provided for in the budget without the sanction of the Commissioner.

Appointment of Vice-Chairman. 9. (i) The Agent to the Governor General shall appoint a member of the Committee to be its Vice-Chairman.

(ii) The term of office of a Vice-Chairman shall be one year

Provided that, if at the time of his appointment as Vice-Chairman the residue of his term of office as member of the Committee is less than one year his term of office as Vice-Chairman shall be the residue of his term as member.

(iii) An outgoing Vice-Chairman shall, if otherwise qualified, be again eligible for appointment as Vice-Chairman

(iv) The Vice-Chairman may resign by notifying in writing his intention to do so to the Political Agent, and, on his resignation being accepted by the Agent to the Governor General, he shall be deemed to have vacated his office.

Conduct of Business.

10. (i) The Committee shall meet for the transaction of business at least
Times for holding meetings once in every month on such day as may, from time to time, be fixed by the rules made under section 102.

(ii) The Chairman may, whenever he thinks fit, convene a meeting at any other time.

11. The quorum necessary for the transaction of business at a meeting of the Committee shall be one-third of the whole
Quorum. Committee.

Chairman of meeting.

12. (i) At every meeting of the Committee the Chairman, if present, shall preside.

(ii) In the absence of the Chairman, the Vice-Chairman shall preside.

(iii) If both Chairman and Vice-Chairman are absent, the members present shall elect one of their number to be Chairman of the meeting.

13. (i) Except as otherwise provided by this Law, or by any rule made
Vote of majority decisive. by the Agent to the Governor General under this Law, all questions which may come

before any meeting of the Committee shall be decided by the majority of the votes of the members present.

(ii) In the case of an equality of votes, the Chairman of the meeting shall have a second or casting vote

14. The following are the powers and duties of the Committee :

- (a) to submit through the Political Agent for the Commissioner's approval or orders and for the sanction of the Agent to the Governor General the budget and supplementary budgets prepared by the Political Agent with such remarks as may appear to it advisable ;
- (b) to consider the annual administration report prepared by the Political Agent, and to submit it through that officer to the Commissioner with such remarks as may appear to it advisable ;
- (c) to express an opinion on all matters laid before it by the Political Agent ;
- (d) to assist the Political Agent in carrying out the provisions of this Law, to call his attention to neglect of its provisions, to any waste of property under the management of the Committee, and to the wants of any locality, and to suggest any improvement that may seem desirable

15. The Residency Surgeon and the Secretary to the Agent to the Governor General in the Public Works Department, when not members, shall be entitled to attend any meeting of the Committee, and to address the Committee on any matter affecting respectively sanitation and public works.

16. (i) Every resolution passed by the Committee at a meeting shall be recorded in a book kept for the purpose and shall be signed by the Chairman

(ii) A copy of every resolution passed by the Committee at a meeting shall, within ten days from the date of the meeting, be forwarded to the Commissioner

Officers and Servants.

17. Subject to the other provisions of this Law and to the general control of the Commissioner and of the Agent to the Governor General, the appointment of such officers and servants as may be necessary or proper for the efficient execution of the provisions of this Law shall rest with the Political Agent.

18. (1) In the case of an officer or servant appointed under the preceding Pensions and other allowances of section or employed before the commencement of this Law who is not a Government official, the Political Agent may—

- (a) grant him leave allowances,
- (b) if his monthly pay does not exceed ten rupees, grant him a gratuity on resignation or retirement,
- (c) with the sanction of the ¹[Commissioner] grant him a gratuity or subscribe on his behalf for pension or gratuity under the rules contained in any general or special orders of the Governor General in Council for the time being in force, or purchase for him from the Government or otherwise an annuity on his retirement.

Provided that no pension, gratuity, leave allowance or annuity shall exceed the sum to which, under any general or special orders of the Governor General in Council for the time being in force, the officer or servant would be entitled if the service had been service under the Government

Pension and other allowances of Government servants (2) In the case of an officer or servants, being a Government official, the Political Agent may,—

- (a) if his services are wholly lent to the Committee, meet any charges prescribed or authorised by any general or special orders of the Governor General in Council for the time being in force, regarding contributions towards pension or gratuity and leave allowances; and,

- (b) if he devotes only a part of his time to the performance of duties in behalf of the Committee, meet any such charges as aforesaid in such proportion as may be determined by the ¹[Commissioner]

²(3) Nothing in this or in any other section of this Law contained shall be deemed to prohibit the establishment of a Provident Fund by the officers or servants of the Committee, not being Government officers, or to debar the Political Agent, if otherwise expressly authorized by the Agent to the Governor General in this behalf, from contributing from the Municipal Fund towards such Provident Fund at such rules and under such conditions as the Political Agent may, by rules to be confirmed by the Agent to the Governor General, fix and apportion for such purpose

¹ Substituted by notification No 2592-L.B., dated the 22nd November 1911. *Gazette of India*, 1911, Pt. I, p. 1014

² Added by notification No 3947-L.B., dated the 26th November 1909 *Gazette of India*, 1909, Pt. I, p. 1013

Contracts

19 (1) The Political Agent may on behalf of the Committee enter into any contract whereof the value or amount does not exceed two hundred rupees

Authority to contract and mode of executing contracts

(2) A contract whereof the value or amount exceeds two hundred rupees shall not be executed until it has been sanctioned by the Committee at a meeting

(3) Every contract made by or on behalf of the Committee, whereof the value or amount exceeds fifty rupees, shall be in writing

(4) Every such contract shall be signed by the Political Agent.

(5) If a contract to which this section applies is executed otherwise than in conformity therewith, it shall not be binding on the Committee

Delegation of authority

20. The Political Agent may, by general or special order, delegate to the 1[Assistant Political Agent or to the] Extra Assistant Commissioner all or any of his powers under Chapters VI and VII of this Law : Provided that from any order passed by the 1[Assistant Political Agent or the] Extra Assistant Commissioner under these Chapters, an appeal shall lie to the Political Agent.

Delegation of authority.

CHAPTER III

TAXATION

21. (1) Subject to any general rules or special orders which the Governor General in Council may make in this behalf, the Agent to the Governor General may, from time to time, for the purposes of this Law and in the manner by this Law directed, impose in the area to which this Law extends any of the following taxes :—

Taxes which may be imposed.

(a) a tax on buildings and lands not exceeding seven-and-a-half per centum on the annual value ;

(b) a tax on persons practising any profession or art or carrying on any trade or calling in the Municipality, not exceeding two-and-a-half per centum on the annual income derived from such practice, trade or calling ;

(c) a tax not exceeding Rs 4 a quarter on every vehicle, animal used for riding, driving, draught or burden, or dog kept within the Municipality ;

(d) a toll not exceeding one anna on every vehicle and every animal used as aforesaid entering the Municipality ;

¹ Inserted by notification No. 2592-I. B., dated the 22nd November 1911. *Gazette of India*, 1911, Pt. I, p 1014.

(e) an octroi on animals for slaughter, or goods, or both, brought within the Municipality for consumption or use therein, such octroi not exceeding one anna on each animal and not exceeding Rs 4 a maund or 4 per centum *ad valorem* on any such goods as aforesaid ;

and, with the previous sanction of the Governor General in Council, any other tax :

Provided that any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under clause (d) of this subsection by paying the tax which would have been leviable in respect thereof under clause (c) if the same had been kept within the area to which this Law extends.

Provided also that goods, which are the property of Government at the time of import, shall pass free of any octroi imposed under clause (e) if accompanied by an invoice, with an endorsement signed by the proper Government officer certifying that they are the property of the Government

(2) In this section "annual value" means the gross annual rent for which buildings or lands liable to taxation may reasonably be expected to let

22. When the Committee has, with regard to any buildings or lands, in exercise of the powers conferred by this Law, provided for the performance by its agents of

Scavenging tax.

the duties usually performed by sweepers, it may, with the previous sanction of the Agent to the Governor General and in the manner by this Law directed, impose upon those buildings and lands, in addition to any other tax imposed upon them under this Law, a tax, to be called the scavenging tax, at such rate or of such amount as it thinks fit .

Provided that in fixing the rate or amount of such tax regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties

23. Besides the taxes mentioned in the foregoing sections, the Committee with the previous sanction of the Agent to the Governor General, may, for the purpose

Water-tax.

of constructing or maintaining works for the supply of water or paying the principal or interest of any loan raised for the construction of such works impose, in the manner by this Law directed, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works

Provided that, in fixing the rate of such tax, regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purposes

24. (1) No tax shall come into force until one month after it has been notified

(2) The Agent to the Governor General may, by notification, abolish or reduce in amount any tax imposed under the foregoing sections

Notification of and power to abolish and reduce taxes.

25. (1) The Committee may by resolution exempt in whole or in part from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same

Power to exempt from taxation.

(2) The Governor General in Council may, by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

26. No tax imposed under this Law shall be invalid merely for defect of form ; and it shall be enough in the case of any such tax on property or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known ; and it shall not be necessary to name the owner or occupier thereof

Taxes not invalid for defect of form.

27. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the ¹[Political Agent] may, from time to time, prescribe.

Taxes when paid.

28. For all sums paid on account of any tax under this Law a receipt stating the amount and the tax on account of which it is paid, shall be given, on his application, to the person making the payment.

Receipts to be given

29. (1) An appeal against the assessment or levy of any tax under this Law shall lie to the Commissioner

Appeals against taxation.

(2) Subject to revision by the Agent to the Governor General, the order of the appellate authority shall be final

30. (1) No appeal shall lie in respect of a tax on any building or land unless it is preferred within one month after the publication of the notice of assessment to be prescribed under section 102, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made

Limitation for appeals

¹ Substituted by notification No 2592-I B., dated the 22nd November 1911. *Gazette of India*, 1911, Pt I, p. 1014.

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the appellate authority that he had sufficient cause for not presenting it sooner.

(2) No appeal shall be entertained unless the amount of the tax to which it relates is deposited with the Committee before the appeal is preferred.

31. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Law provided.

Taxation not to be questioned except under the Law

32. Every person bringing or receiving within the Municipality any article on which octroi is payable, shall, when required by an officer authorized by the Political Agent in that behalf and so far as may be necessary for ascertaining the amount of tax chargeable—

Power to examine article liable to octroi

(a) permit that officer to inspect, examine, weigh or otherwise deal with the article, and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature that he may possess relating to the article.

33. If after the imposition of an octroi tax any person bringing or receiving a conveyance or package within the Municipality refuses, on the demand of an officer authorized by the Political Agent on this behalf, to permit such officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, such officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence

Power to search where octroi is leviable

34. Every officer demanding octroi by authority of the Political Agent shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

Presentation of bill for octroi

35. (i) In case of non-payment of octroi on demand, the officer empowered to collect the same may seize any article on which it is chargeable, or any part thereof of sufficient value to satisfy the demand.

Recovery of octroi.

(ii) The Political Agent may, after the lapse of five days from the seizure and the issue of a proclamation fixing the time and date of sale, cause

property so seized or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid :

Provided that articles of a perishable nature may be sold after the lapse of such shorter time as the Political Agent, having regard to the nature of the articles, may think necessary in order to avoid serious risk or damage.

36. All taxes leviable in the Municipality under the orders of the Agent to the Governor General or of the Governor General in Council at the time when the Committee comes into existence under this Law, shall, so far as their imposition and assessment are consistent with this Law and within the powers conferred thereby, be deemed to have been imposed and assessed under this Law.

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY

Constitution of Municipal Fund 37 (1) There shall be formed a Municipal Fund, and there shall be placed to the credit thereof—

- (a) all sums received by or on behalf of the Committee under this Law or otherwise ;
- (b) all fines realised in cases in which prosecutions are instituted under this Law or the rules made thereunder, or under section 34 of Act ¹ V of 1861, or under the ² Prevention of Cruelty to Animals Act (XI of 1890) for offences committed within the Municipality ,
- (c) the balance (if any) standing at the credit of the excluded local fund, hitherto known and administered as the Quetta Municipal Fund, at the time when the Committee comes into existence , and
- (d) the proceeds of such property, moveable and immoveable as may for the time being be administered by or on behalf of the Committee for the benefit of the Municipal Fund ;

and this fund, together with all property purchased at its expense, shall be vested in the Agent to the Governor-General for the time being ; and, subject to the

¹ Printed General Acts, Vol I, Ed. 1909, p 376.

² Printed General Acts, Vol. IV, Ed. 1909, p. 259.

provisions of this Law and of the rules made thereunder, and to the control of the Agent to the Governor General, the management thereof shall be entrusted to the Committee

(2) The property referred to in clause (d) of sub-section (1) includes—

- (a) land or other property acquired by the Committee for local public purposes or under competent authority constituted the property of the Municipality,
- (b) dust, dirt, sewage, refuse, filth and rubbish of any kind, collected by the Committee from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in any place set apart by them for that purpose.

38. (1) The Political Agent shall subject to the provisions of this Law set apart and apply annually out of the Municipal Fund—

- (a) *first*, such sum out of the net proceeds of the octroi receipts as the Governor General in Council may from time to time direct to be paid as a contribution to the Quetta Cantonment Fund ;
- (b) *secondly*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted for, or on behalf of, the Committee ;
- (c) *thirdly*, such sum as may be required to meet the charges of the Committee's establishment, including such subscriptions, contributions and payments as are referred to in section 18, and such sum as may be required for the maintenance of a police establishment under Chapter V of this Law

(2) Subject to the charges specified in sub-section (1) and to such rules as the Agent to the Governor General may make with respect to the priority to be given to the several duties of the Committee, the Municipal Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the Municipality, namely .—

- (a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, drains latrines and water-courses ;
- (b) the watering and lighting of such streets or any of them ;
- (c) the construction, establishment and maintenance of rest-houses markets, pounds and other works of public utility ;
- (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions ;
- (e) the supply, storage and preservation from pollution of water for the use of men or animals ;

- (f) the planting and preservation of trees ;
- (g) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure ,
- (h) the destruction of stray and ownerless dogs ;
- (i) all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure which may be declared by the Committee, with the sanction of the Agent to the Governor General, to be an appropriate charge on the Municipal Fund.

Custody of Municipal Fund

39. The Municipal Fund shall be kept in the Government treasury at Quetta.

40 (1) The Committee may, from time to time, with the previous sanction of the Agent to the Governor General, invest any portion of the Municipal

Fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf and may vary such investments for others of a like nature, and may with like sanction realise any investments made under this sub-section

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the Municipal fund

CHAPTER V.

MUNICIPAL POLICE.

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CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

43 When any land is required for a new street or for the improvement of an existing street, the Committee may cause to be acquired, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

¹ Deleted by notification No 4592-I.B., dated the 22nd November 1911. *Gazette of India*, 1911, Pt I, p 1014.

44 The Political Agent, with the concurrence of the Committee, may close temporarily any streets or parts thereof for any public purpose, and with the Agent to the Governor General's permission may divert, discontinue or permanently close any street

45. The Political Agent may grant permission in writing for the temporary occupation of any street for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions and the payment of such fees as ¹[he] may prescribe, and may at his discretion withdraw such permission

46. The Political Agent may attach to the outside of any building brackets for lamps in such manner as not to cause injury thereto or inconvenience

47 The Committee at a meeting may name any street, and the Political Agent may cause that name and likewise any number to be affixed on any building, and may from time to time cause the same to be altered

Whoever destroys, pulls down, alters or defaces any such name or number shall, on conviction by a Magistrate, be punished with a fine that may extend to twenty rupees

48. Every person intending to erect, re-erect, alter or repair any upper storey or other building shall give notice in writing of his intention to the Political Agent and shall, if required to do so, submit a plan showing the levels at which the foundations and lowest floor are proposed to be laid and specifications of the works intended to be constructed and the materials to be used, and shall obey any written directions consistent with this Law given by the Political Agent thereupon, and the Political Agent, with the concurrence of the Committee, may prohibit such erection, re-erection, alteration or repair, if in his opinion it is likely to be injurious to the neighbourhood or in respect of free passage or roadway, free circulation of air, facilities of scavenging, ventilation, drainage level, stability, line of frontage or any other matter which the Agent to the Governor General may from time to time prescribe :

Provided that no compensation shall be claimable on account of any direction or prohibition under this section.

If the erection, re-erection, alteration or repair of any building is begun without the permission of the Political Agent, or in disobedience to any

¹ Substituted by notification No 2592-I. B., dated the 22nd November 1911 *Gazette of India*, 1911, Pt. I, p. 1014

direction issued by the Political Agent, under this section, or continued contrary to those directions, the Political Agent may, by notice in writing, require such building to be altered or demolished, and the person so erecting, re-erecting, altering or repairing shall, on conviction by a Magistrate, be liable to a fine not exceeding five hundred rupees

49. The Political Agent, with the concurrence of the Committee, may, by notice in writing, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof, if the same overhangs or projects into or encroaches on any street, public drain, aqueduct or sewer

50 The Committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any purpose connected with the health, cleanliness and comfort of the inhabitants, and may, by public notice, prohibit bathing or the washing of animals or clothes, in any public place not so set apart or at times, or by persons other than those specified, and all other acts by which water in public places may be rendered foul or unfit for use

Deposit of Offensive Matter and Slaughter-places.

51 The Committee may fix places within, or, with the approval of the Political Agent, beyond the limits of the Municipality for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or the dead bodies of animals may be removed along any street and deposited at such places.

52. (1) The Committee may fix and abolish places either within, or, with the approval of the Political Agent, beyond the limits of the Municipality for the slaughter of animals or any specified description of animals for sale, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the Committee, charge rent or fees for the use of the same

(2) When any such place has been fixed, no person shall slaughter any such animal for sale within the Municipality at any other place

¹ Substituted by notification No. 2592-I. B., dated the 22nd November 1911. *Gazette of India*, 1911, Pt. I, p. 1014.

(3) Whoever slaughters any such animal at any other place for sale within the Municipality shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

Burial and Burning places.

53. (1) The Committee may by public notice order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed from a date to be specified in the notice.

Powers in respect of burial and burning places.

(2) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the Committee may impose in this behalf.

(3) No burial or burning ground, whether public or private, shall be made or formed after the passing of this Law without the permission in writing of the Committee

(4) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

(5) The Committee may by public notice prescribe routes for the removal of corpses to burial or burning places.

Inflammable Materials.

54. The Political Agent may, where it appears to him to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting wood, straw or other inflammable materials, or placing mats, erecting booths or thatched huts, or lighting fires in any place or within any limits specified in the notice.

Inflammable Materials.

Powers of Entry and Inspection.

55. (1) The Political Agent, or any person authorised by him in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drain, privy or cesspool is situated, inspect any such drain, privy or cesspool at any time between sunrise and sunset and may, if necessary, cause the ground to be opened wherever he may think fit for the purpose of preventing or removing any nuisance arising therefrom.

Inspection of drains, privies and cesspools.

(2) If on such inspection it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner of the land or building or by the occupier, as the Political Agent may direct; but if it is found that no nuisance exists, or but for such opening would have existed, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be paid from the Municipal Fund

56. The Political Agent, or any person authorised by him in this behalf, may, after giving twenty-four hours' notice in writing to the occupier, or, if there is no occupier, to the owner, of any building at any time between sunrise, and sunset, enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

57. The Political Agent, or any person authorised by him in this behalf, may, after giving twenty-four hours' notice in writing to the occupier, or if there is no occupier, to the owner, of any building or land at any time between sunrise and sunset, —

- (a) enter on and survey and take levels of any land;
- (b) enter, inspect and measure any building for the purpose of valuation; or
- (c) enter into any building or any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any works authorised by this Law.

58 The Political Agent, or any person authorised by him in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Law, for which a license has not been duly taken out.

59. The Political Agent, or any person authorised by him in writing in this behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for human consumption, or as a slaughter house, or for the sale of drugs, and inspect and examine any food or drink, animal or drug which may be therein, and if any article of food or drink or any animal therein appears to be intended for human consumption and to be unfit therefor, may seize and

remove the same or may cause it to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such consumption ;

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof and for his orders as to its disposal.

60 (1) The Committee may provide for the performance by its Agents Power of entry for purposes of f the duties usually performed by sweepers scavenging. in respect of any buildings or lands or of any drains, privies, cesspools or other receptacles for offensive matter pertaining to buildings or land

(2) Such provision may be made in respect of individual buildings or lands or of buildings or lands generally.

(3) Nothing in this section or section 22 shall be deemed to preclude the Committee from making provision of a different nature for different buildings or lands, and charging scavenging-tax at different rates therefor, or from exempting wholly or in part from such tax at its discretion any individual who has made arrangements to its satisfaction for the performance of the duties aforesaid

(4) When the Committee has undertaken to provide for the performance by its Agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties ; and the Political Agent, or any person authorized by him in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

61. When any building used as a human dwelling is entered under this Law, due regard shall be paid to the social and religious sentiments of the occupiers, and before any apartment in the actual occupation of any woman who, according to custom, does not appear in public is entered under this Law, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Water-pipes, Privies and Drains.

62. The Political Agent may, by notice in writing, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts

thereof and for discharging the same, so as not to inconvenience persons passing along the street

63. (1) The Political Agent may, by notice in writing, require the owner of any building to provide any privy or cesspool or additional privies or cesspools which should, in his opinion, be provided for the building, in such manner as to satisfy the general requirements of the Committee.

(2) The Political Agent may, by notice in writing, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the Committee directs, any door or trap-door of a privy opening on to any street or drain

(3) The Political Agent may, by notice in writing, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as the Political Agent may think fit and to cause the same to be kept in proper order and to be daily cleaned.

64. (1) The Political Agent may, by notice in writing, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool or to close any cesspool belonging thereto.

(2) The Political Agent may, by notice in writing, require any person who constructs any new drain, privy or cesspool without his permission in writing or contrary to his directions or rules or to the provisions of this Law, or who constructs, rebuilds or opens any drain, privy or cesspool which has been ordered to be demolished or closed or not to be made, to demolish such drain, privy or cesspool, or to make such alterations therein as he thinks fit.

65 The Political Agent may, by notice in writing, require any person who without his permission in writing newly erects or rebuilds any building over any public sewer, drain, culvert, water-course or water-pipe, to pull down or otherwise deal with the same as he thinks fit.

66. The Political Agent may, by notice in writing, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, reservoir or other water source, to remove or close the same within one week.

67. The Political Agent may, by notice in writing require any owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private land, well, reservoir, pool or excavation therein which appears to him to be injurious to health or offensive to the neighbourhood.

Power to require drainage, etc., of unwholesome land, etc.

Dangerous buildings and places.

68. If any building or any well, tank or other excavation is for want of sufficient repair, protection or enclosure, dangerous to persons passing by, or dwelling or working in the neighbourhood, the Political Agent may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the same; and if it appears to him to be necessary in order to prevent imminent danger, he shall forthwith take such steps as are necessary to avert the danger.

Power to require buildings, wells, tanks, etc., to be secured.

69. If any building, wall or structure, or anything affixed thereto, is deemed by the Political Agent to be in a ruinous state or in any way dangerous, he may, with the concurrence of the Committee, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to it as the Committee considers necessary for the public safety; and, if it appears to him to be necessary in order to prevent imminent danger, the Political Agent may forthwith take such steps as are necessary to avert the danger.

Buildings, etc., in ruinous or dangerous state.

Buildings and grounds in unsanitary condition.

70. The Political Agent may, by notice in writing, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or under-growth which may appear to be injurious to health or offensive to the neighbourhood.

Power to require owner to clear away noxious vegetation.

71. The Political Agent may, by notice in writing, require the owner or occupier of any land within three days to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger therein, or which so overhang any well, tank or other water source as to be likely to pollute the water thereof.

Power to trim hedges and trees bordering on streets.

72. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the Political Agent may, by notice in writing, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

73. If any building appears to the Political Agent to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or for any other sufficient reason, the Political Agent may, by notice in writing, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used until the Political Agent is satisfied that it has been rendered fit for such use.

74. The Political Agent may, by notice in writing, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment, of disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time to be fixed in the notice.

75. (1) The Political Agent, with the concurrence of the Committee may, on the report of the Civil Surgeon that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of the Municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure, or the irrigation so reported to be injurious, or regulate such cultivation, use or irrigation by imposing such conditions thereon as may prevent injury :

Provided that when on any land to which such notification applies the act prohibited has been practised during the five years next preceding the notification in the ordinary course of husbandry, compensation shall be paid from the Municipal Fund to all persons interested therein for any damage caused to them by the effect of such notification.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section (1), he shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the date of such conviction during which the offence is proved before a Magistrate to have been persisted in.

Registration of Trades.

76. (1) The owner or occupier of every place within the Municipality used for any of the following purposes, namely —
Regulation of offensive and dangerous trades

melting tallow, or boiling bones, offal or blood ;
 as a soap house, oil-boiling house, dyeing house or tannery ;
 as a brick-kiln, pottery or lime-kiln ,
 as any other manufactory or place of business from which offensive or unwholesome smells arise ;
 as a yard or depôt for trade in hay, straw, thatching grass, wood, coal or other highly inflammable material , or
 as a store-house for kerosine, ¹petroleum, naphtha or any inflammable oil, spirit or explosive substance ;

shall register the same in a book to be kept by the Political Agent for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the Political Agent, which shall be renewable annually.

(3) The license shall not be withheld unless the Political Agent considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in or frequenting the immediate neighbourhood.

(4) The Political Agent may charge such fees for such licenses and may impose such conditions in respect thereof ² [as he may deem fit]

(5) Whoever without such registration or without a license uses any place for any such purpose shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day during which the offence is proved before a Magistrate to have been persisted in after he has been convicted thereof ; and the Political Agent may, after conviction, by notice in writing, direct that the use of such place for such purpose shall be discontinued

The Political Agent, or any person specially authorized by him in writing in this behalf, may at any time enter and inspect any place or building which

¹ The operation of this Law, so far as it relates to the possession or transport of petroleum, is limited to quantities of ordinary petroleum not exceeding 500 gallons and to quantities of dangerous petroleum not exceeding 3 gallons and contained in receptacles such as are described in the proviso to section 6 of the Indian Petroleum Act, 1899 (VII of 1899). See notification No. 3735—21, dated the 25th May 1909, printed Vol II, p. 50.

² Substituted by notification No 2592-I. B., dated the 22nd November 1911 *Gazette of India*, 1911, Pt. I, p 1014

there is reason to believe is used without license for any of the purposes enumerated in this section.

77. (1) If it is shown to the satisfaction of the Committee at a meeting that any place licensed under section 76 is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice in writing, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will in the opinion of the Committee render it no longer a nuisance or dangerous.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in disregard of such requisition shall on conviction be punished with fine which may extend to two hundred rupees and with further fine which may extend to forty rupees for every subsequent day during which the offence is proved before a Magistrate to have been persisted in.

78. (1) When any notice under this Chapter requires any act to be done for which no time is fixed by this Law it shall fix a reasonable time for doing the same.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this Chapter requiring him to do any act upon that land or building, the Political Agent may, after six hours' notice in writing, cause that act to be done, and may recover the expenses incurred in so doing from the person in default.

79. The Committee may make compensation out of the Municipal Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the Committee, its officers and servants under this Law, and shall make such compensation where the person sustaining the damage was not himself in default in respect of the matter in respect of which the power was exercised where the compensation is claimable on account of injury to buildings or land, it shall be calculated with due regard to the provisions of the Land Acquisition Act for the time being in force in British India.¹

Restraint of Infection.

80 Whoever—

(a) being a medical practitioner or a person openly and constantly practising the medical profession and in the course of such practice becoming cognizant of the existence of cholera and small-pox in any dwelling other

¹ Act I of 1894 Printed General Acts, Vol. IV, Ed. 1909, p. 360.

than a public hospital, or, in default of such medical practitioner or person practising the medical profession,

- (b) being the owner or occupier of such dwelling, and being cognizant of the existence of cholera or small-pox ¹[or plague] therein or in default of such owner or occupier,
- (c) being the person in charge of or in attendance on any person suffering from cholera or small-pox ¹[or plague] in such dwelling, and being cognizant of the existence of the disease therein, fails to give information, or gives false information, to the Committee respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees :

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be punishable if it be shown that he had reasonable cause to suppose that the information had been, or would be, duly given.

81. When any person suffering from cholera or small-pox ¹ [or plague] is—

- | | |
|--|---|
| Removal to hospital of cholera and small-pox patients. | (a) without proper lodging or accommodation, or |
| | (b) living in a sarai or other public hostel, or |
| | (c) living in a room or house which he neither owns nor pays rent for, or |
| | (d) lodged in premises occupied by members of two or more families and any of such occupiers objects to his continuing to lodge in such premises, |

the Committee, by any person authorised by it in this behalf, may, on the advice of any medical officer, remove the patient to any hospital or place at which persons suffering from such diseases are received for medical treatment, and may do anything necessary for such removal.

82. Should the Committee consider that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any dangerous disease, it may, by public notice, prohibit the removal or use of such water for drinking.

Prohibition by Committee of use of unwholesome water

¹ Inserted by notification No 2592-I B., dated the 22nd November 1911. *Gazette of India*, 1911, Pt. I, p. 1014.

¹ 82 A. The Committee may, by bye-law and with the previous sanction of the Agent to the Governor General—

- (a) prohibit the manufacture or preparation for sale of any specified articles of food or drink in any premises not licensed by the Committee ;
- (b) regulate the grant and withdrawal of licenses to premises for the manufacture or preparation for sale of such specified articles of food or drink ;
- (c) regulate the hours and manner of transport within the Municipality of any specified articles of food or drink ;
- (d) fix the places in which any specified article of food or drink may be sold or exposed for sale or the places in which it may not be sold or exposed for sale ;
- (e) fix the conditions on which licenses under this section are to be granted and may be revoked :

Provided that no person shall be punishable for breach of any bye-law made under clause (a) or clause (d) of this section by reason of the continuance of such manufacture, preparation or exposure for sale or sale upon any premises which are, at the time of the making of such bye-law, used for such purpose until he has received from the Committee six months' notice in writing to discontinue such manufacture, preparation or exposure for sale or such sale in such premises.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

83. Whoever, without the permission of the Political Agent or in disregard of his orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind upon any street or public place, or into any public sewer or any drain communicating therewith shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

¹ Added by notification No. 1901-E. A., dated the 8th December 1899. *Gazette of India*, 1899, Pt. I, p. 1056

84. Whoever, without the permission of the Political Agent, causes or knowingly or negligently allows the water of any sink, sewer or cesspool or any other offensive matter, to pass or be put upon any street or public place, or into any sewer or drain not set apart for the purpose, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

85. Whoever, being the owner or occupier of any building or land, keeps or knowingly or negligently allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth, or any noxious or offensive matter, in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

86. Whoever, without the permission of the Political Agent, makes or causes to be made, or alters or causes to be altered, any drain leading into any public sewer or drain under the management of the Committee, shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

87. Whoever, without the permission of the Committee, makes or keeps for a longer time than one week after notice under section 66, any drain, latrine, urinal cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, when a notice has been issued, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

88. Whoever keeps any swine in disregard of any orders which the Political Agent may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the date of the conviction during which the offence is proved before a Magistrate to have been persisted in.

89. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind hall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

90. Whoever drives any vehicle after dark in any public street or thoroughfare unless the vehicle is properly supplied with lights, or there is sufficient moonlight to render lights unnecessary, shall, on conviction by a Magistrate be punished with fine which may extend to twenty rupees.

91. Whoever discharges fire-arms or air-guns or lets off fire-works or fire balloons, or engages in any game in such a manner as to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees

92. Whoever, being a camel-driver, omits, on being requested to do so, to remove his camel so far as may be practicable to a safe distance on the approach of a horse, whether ridden or driven, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

93. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers neglects to restrain it so that it shall not be at large without a muzzle in any street or public place, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

94. The Committee, by any person authorized by it in this behalf, may destroy or cause to be destroyed or confined, or cause to be confined, for such period as the Committee may direct, any ownerless dog or any dog suffering from rabies or reasonably suspected to be suffering from rabies

No damages shall be payable in respect of any dog destroyed under this section

95. Whoever, without the permission of the Political Agent, alters, obstructs or encroaches upon, any street or public drain, aqueduct or sewer, or displaces takes up or alters the pavement or other materials or the fences or posts of any street or public place, or deposits building materials or makes any hole or excavation on or in any street, shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

96. Whoever, contrary to the orders of the Political Agent, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

97. Whoever carries a corpse along a prohibited route or in a manner likely to cause annoyance to the public, shall on conviction by a Magistrate, be punished with fine which may extend to ten rupees.

98. Whoever, without being authorized by the Political Agent, defaces or disturbs any direction-post or lamp-post, or extinguishes any light in any street or public place shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

99. Whoever disobeys ¹[any bye-law issued under section 82 A or] any lawful directions given by public notice or disobeys any written notice lawfully issued under the powers conferred by Chapter VI or by rules under section 102 of this Law, or fails to comply with the conditions subject to which any permission was given to him under those powers shall, if the disobedience or ²[omission] is not an offence punishable under any other section, on conviction before a Magistrate, be punished with fine which may extend to fifty rupees, and in the case of a continuing breach, with a further fine which may extend to five rupees, for every day after the date of the conviction during which the offence is proved before a Magistrate to have been persisted in :

Provided that when the notice fixes a time within which a certain act is to be done and no time is specified in this Law, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Law.

CHAPTER VIII.

SUPPLEMENTAL.

100. The Political Agent and the Committee shall be subject in all respects to the control of the Commissioner and of the Agent to the Governor General.

¹ Inserted by notification No. 1901-E. A., dated the 8th December 1899 *Gazette of India*, 1899, Pt I, p 1056

² Substituted by notification No 1153-E. A., dated the 4th August 1898. *Gazette of India*, 1898, Pt I, p 873.

101. The Agent to the Governor General may, by notification in the *Gazette of India*, declare that from a date to be fixed in the notification, the Vaccination Act (XIII of 1880) shall apply,¹ so far as it can be made applicable, to the Municipality.

102. (1) The Agent to the Governor General may from time to time frame forms for any proceedings of the Committee for which he considers that a form should be provided, and make rules consistent with this Law as to—

- (a) the appointment of members, and their term of office ;
- (b) the conduct of proceedings at meetings ;
- (c) the assessment and recovery of taxes, fees and moneys claimable under this Law, and for preventing evasion of the same ;
- ²(d) the authority on which money may be paid from the Municipal fund and the management and regulation of a Provident Fund established under sub-section (3) of section 18 ;
- (e) the conditions on which property under management of the Committee may be transferred by lease, or otherwise ;
- (f) the control of traffic, public processions and music ;
- (g) the registration of births and deaths, the regulation of vaccination, compulsory or otherwise, and the taking of a census ;
- (h) the offences under this Law or under rules made thereunder which shall be cognizable by the Police ; and
- (i) generally for the purpose of this Law.

³(2) The Committee, with the previous sanction of the Agent to the Governor-General, may by bye-law—

- (a) render licenses necessary for the proprietors or drivers of vehicles drawn by animals, or persons, kept or plying for hire within the limits of the Municipality, and fix the fees payable for such licenses, and the conditions on which they are to be granted and may be revoked ; and
- (b) limit the rates which may be demanded for the hire of any vehicle, and the loads to be carried by such vehicle when hired within the Municipality for a period not exceeding twenty-four hours

¹ It was so applied from the 1st January 1897 by notification No 9083, dated the 15th December 1896. *Gazette of India*, 1893, Pt. I, p 1300.

² Substituted by notification No. 3947-Est B., dated the 26th November 1909 *Gazette of India*, 1909, Pt I, p. 1636

³ Inserted by notification No. 2143-E. A., dated the 27th December 1901. *Gazette of India*, 1901, Pt. I, p. 1059.

or for a service which would ordinarily be performed within twenty-four hours.

Provided that no such bye-law shall apply to any vehicle to which the Quetta Hackney Carriage Law, 1889,¹ applies.

103. The Agent to the Governor-General may make rules for the suppression of mendicancy and of loitering or importuning for the purpose of prostitution, and for the removal and exclusion from the Municipality of disorderly persons, of persons convicted under Chapter XVII of the ² Indian Penal Code, or ordered under the ³ Code of Criminal Procedure 1882, to execute a bond for their good behaviour and of persons whom the Agent to the Governor-General deems it necessary to exclude from the Municipality with or without assigning any reasons for excluding them therefrom.

104. (1) In making any rule ⁴[or bye-law] under either of the two last foregoing sections, the Agent to the Governor-General ⁴[or the Committee, as the case may be,] may direct that a breach of it shall be punishable, on conviction by a Magistrate with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the date of such conviction during which the breach is proved before a Magistrate to have been persisted in.

(2) No rule ⁴[or bye-law] under either of the said sections shall come into force until it has been notified by the Agent to the Governor-General ³[or the Committee, as the case may be].

105. On the complaint of three or more inhabitants of the Municipality that a house, in their immediate neighbourhood and within the limits of the Municipality, is used as a brothel or by disorderly persons of any description to the annoyance of the respectable inhabitants of the vicinity, any Magistrate of the first class having, as such, jurisdiction in the place where the house is situated may summon the owner or tenant of the house to answer the complaint, and on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and, if he shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter on which it is proved that the house has continued to be so used.

¹ Printed *supra* p 33

² Printed General Acts, Vol I, Ed. 1909, p. 224.

³ See now the Code of Criminal Procedure, 1883 (Act V of 1898), Printed General Acts, Vol. V, Ed 1909, p 14

⁴ Inserted by notification No. 2143-E A., dated the 27th December 1901. *Gazette of India*, 1901, Pt. I, p. 1059.

106 If any member, officer or servant of the Committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the Committee he shall be deemed to have committed an offence under section 163 of the ¹Indian Penal Code

107. No suit or prosecution shall be entertained by any Court against the Committee or any officer or person for anything in good faith done or purporting to be done in pursuance of powers conferred by or under this Law on such Committee, officer or person, whether the thing done was or was not authorised by the power so conferred

108. Where any land, whether within or without the limits of the Municipality, is required for the purposes of this Law, the Agent to the Governor-General may, at the request of the Committee, proceed to acquire it under the provisions of the ² Land Acquisition Act, 1894, and, on payment by the Committee of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the Agent to the Governor General for the time being for the purposes of this Law.

109. No Judge or Magistrate shall be deemed to be a party to, or personally interested in, any prosecution for an offence punishable under this Law or any rule thereunder or any other law, within the meaning of section 555 of the Code of Criminal Procedure, 1892,³ by reason only of his being or having been a member of the Committee by the order, or under the authority, of which it has been instituted, or because as Political Agent he merely approved the prosecution.

110. (1) Subject to such rules as the Agent to the Governor General may make under section 102 prescribing the offences which shall be cognizable by the police, no Court shall take cognizance of an offence punishable under this Law or rule made thereunder except on the complaint of the Political Agent or of some person authorised by him in this behalf.

¹ Printed General Acts, Vol I, Ed. 1909, p. 224.

² Printed General Acts, Vol IV, Ed 1909, p. 360.

³ See now the Code of Criminal Procedure, 1898, (Act V of 1898). Printed General Acts, Vol I, Ed. 1909, p. 14.

(2) In default of payment of any fine imposed under this Law or rule made thereunder, the defaulter shall be liable to simple imprisonment for a term not exceeding eight days.

111. Nothing contained in this Law shall be construed to prevent any person from being prosecuted under any other law for any offence made punishable by this Law or from being liable under any other law to any higher penalty or punishment than is provided for such offence by this Law or by any rule made thereunder :

Provided that no person shall be punished twice for the same offence.

112. Any arrear of any tax or any fee or other money claimable by or on behalf of the Committee may, in addition to any manner provided under section 102, be recovered on application to a Magistrate having jurisdiction within the limits of the Municipality by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable; and if payable by the owner in respect of any property, moveable or immoveable, such arrear shall be a charge on the property.

113. No act done nor any proceeding taken under this Law shall be questioned on account merely of the existence of any vacancy in the Committee or on account of any defect or irregularity not affecting the merits of the case.

114. All acts of executive authority, proceedings, decrees and sentences which have been done, taken or passed in the civil station and town, hitherto known and administered as the Municipality of Quetta before this Law comes into force by any officer of the Government or by any person acting under his authority, or otherwise in pursuance of an order of the Government and which have been or may hereafter be ratified by the Agent to the Governor General, shall be as valid and operative as if they had been done, taken or passed in accordance with law; and no suit or other proceeding shall be maintained or continued against any person whatever on the ground that such acts, proceedings, decrees or sentences were not done, taken or passed in accordance with law.

[*Gazette of India*, 1896, Pt. I, p. 674.]

CHAGAI AGENCY.

In the present development of Nushki, Chagai and the Western Sinjarani country it is sufficient to cite the following enactments as in force :—

I.—Statutes.—See Appendix I.

II.—Acts of the Governor-General in Council.—See Appendix II.

III.—Orders under Statutes.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—See 53 and 54 Vict., c. 37.
Appendix III.

IV.—Orders under Acts of the Governor-General in Council.

No. 3102, dated the 16th August 1909.—Printed in Appendix XVII.

Indian Arms Act,
1878

Exemption of certain persons from certain prohibitions and directions contained in the Act.

(The Indian Arms Rules, 1909)

Rules regarding the export of arms and ammunition from, and their import into British India.

V.—Orders relating to Courts.

No. 1431-I., dated the 27th April 1893.—Printed in Appendix XIII.

Execution of capital sentences in British India

No. 1863-I. A., dated the 13th May 1904.—Printed in Appendix IV.

Criminal law and procedure of British India applicable to British subjects in Native States.

No. 2864-F, dated the 1st November 1899.—The ¹Political Agent, Chagai, is hereby authorized by the Governor-General in Council to exercise within the limits of his charge all the powers of a District Magistrate and Sessions Judge as described in the Code of Criminal Procedure (Act V of 1898) as modified by the ²Baluchistan Agency Criminal Justice Law, 1896, and the powers conferred on the Court of a Political Agent as described in the ³Baluchistan Agency Civil Justice Law, 1896. He is also authorized to exercise the powers of a Deputy Commissioner under the Punjab Frontier Crimes Regulation as applied to Baluchistan and of a Sessions Judge as described in Act XXIII of 1867 (an Act for the suppression of murderous outrages in certain districts of the Punjab).

Constitution of Criminal and Civil Courts.

¹ The designation of Political Agent was substituted in 1911 for that of Political Assistant which was originally used in these orders.

² *Gazette of India*, 1896, Pt. I, p. 895.

³ *Gazette of India*, 1896, Pt. I, p. 897.

Similarly the Tahsildar of Nushki is authorized to exercise, in subordination to the Political Agent, Chagai, the powers of a ¹Magistrate of the 2nd class as described in the Code of Criminal Procedure modified as above stated, and of a Munsiff as described in the ⁵Baluchistan Agency Civil Justice Law.

All questions of appeal, reference, confirmation and revision in connection with these officers' proceedings will be dealt with by ²you or by the Court of the Judicial Commissioner on the analogy of the law in force in the Agency territories.

[*Letter of the Government of India.*]

No. 2288-I. B., dated the 26th November 1910.—The Governor General in Council is pleased to authorize the Native Assistant to exercise within the limits of the Chagai District—

- (a) the power to try original civil suits of value not exceeding ten thousand rupees, and to hear appeals from the orders of the Tahsildars of Nushki and Chagai and the Naib Tahsildar of Nushki, and
- (b) the powers of a Magistrate of the 1st class and also power to hear appeals from the orders of the Magistrates of the 2nd and 3rd class in the Chagai District.

[*Letter of the Government of India.*]

VI.—Local Laws.

No. 2864-F., dated the 1st November 1899.—In the exercise of the powers thus conferred,³ the officers mentioned³ will be guided by the spirit and principles of the Indian Penal Code (Act XLV of 1860), of the Criminal Procedure Code (Act V of 1898) as modified by the ⁴Baluchistan Agency Criminal Justice Law, and of the ⁵Baluchistan Agency Civil Justice Law, and in cases which in the Baluchistan Agency Territories would come under the Punjab Frontier Crimes Regulation as applied to those territories, or under Act XXIII of 1867, the⁶ Political Agent may act as if these enactments were in force in his district.

[*Letter of the Government of India.*]

¹ The powers of a Magistrate of the 1st class originally granted were reduced in 1910 to those of a Magistrate of the 2nd class.

² The Agent to the Governor-General in Baluchistan.

³ Cf. the extract from this letter printed *supra*, p. 67.

⁴ *Gazette of India*, 1896, Pt I, p. 895.

⁵ *Gazette of India*, 1896, Pt I, p. 897.

⁶ See footnote 1 on p. 67 *supra*.

CHAPTER II.

BARODA.

The Baroda State consists of four divisions or *Prants* of which three lie in Gujarat and the fourth, known as the *Amreli Prant*, in Kathiawar. In the Okhamandal pargana of the *Amreli Prant* the Resident at Baroda and his Assistant at Dwarka exercise delegated jurisdiction over the Wagher tribe in all cases except those triable by a Magistrate of the 2nd class which are dealt with by the State Courts. On the other hand, while jurisdiction over British subjects, Europeans, Americans, and Government servants vests, as usual, in the political authorities, there are special arrangements for the exercise of jurisdiction by Baroda State Courts over Government servants.

The State was under the political control of the Bombay Government till 1874, when the political charge was taken over by the Government of India. For this reason some of the notifications in this Chapter issued under the authority of the Governor of Bombay in Council. On the transfer, the Resident's title was changed to that of Agent to the Governor-General, but the former style has recently been restored.

The only Administered Area in the State is the Cantonment of Baroda.

The Railway lands in the State which are subject to British jurisdiction form part of the Western Division of Railways enumerated in Volume V.

BARODA STATE.

The following British enactments are in force in the Baroda State :—

I.—Statutes—*See* Appendix I.

II.—Acts of the Governor-General in Council.—*See* Appendix II.

III.—Orders under Statutes.

28 Vict. c. 15.

No. 853-I.B., dated the 16th April 1913.—Printed in Appendix IV

53 and 54 Vict. c. 37.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix III.

IV.—Orders under Acts of the Governor-General in Council and of Local Legislatures.

Act XXIX of 1857.

Routes for passage of goods by land between States in Kathiawar and British India.

No. 12753, dated the 23rd December 1907.—In exercise of the power conferred by section 6 of Act XXIX of 1857 * * the Governor in Council is pleased to prescribe the undermentioned as the only routes by which goods will be allowed to pass by land out of the Native States of Kathiawar into British India or out of British India into the Native States of Kathiawar, namely —

- 1 By rail through Viramgam Railway Station.
2. Ditto Ranpur do.
3. Ditto Kundli do.
- 4 By road through Patri Naka.
- 5 Ditto Goria do
6. Ditto Thori do. (Vani-Viramgam Road).
7. Ditto Shahapur Naka (between chowkies 35 and 36 of the Northern Preventive Frontier).
8. Ditto Sial Naka (at Baroda).
- 9 Ditto Bavlati do.
10. Ditto Rampur do. (Ghogo-Ahmedabad Road).
11. Ditto Kandli do.
12. Ditto Ranpur do (Amiah Ranpur).
13. Ditto Fedra do.
- 14 Ditto Adval do.

[*Bombay Government Gazette*, 1907, Pt. I, p. 2072]

Indian Evidence Act 1872
Officers of the Baroda State empowered to certify documents.

No. 1387-I.A., dated the 12th April 1904.—With reference to the provisions of section 79 of the Indian Evidence Act, 1872 (I of 1872), the Governor-General in Council is pleased hereby to declare that the following officers in the Native State of Baroda are duly authorised to certify documents for the purposes of the said section, namely :

- (a) all District Judges (*Prant Nyayadhish*);
- (b) all District Magistrates (*Prant Fouzdari Nyayadhish*) of the first class;
- (c) all Subordinate Judges (*Mahal Nyayadhish*); and
- (d) all Magistrates (*Fouzdari Nyayadhish*) of the first class.

[*Gazette of India*, 1904, Pt. I, p. 270.]

No.— dated the 5th November 1874
No. 3732-I., dated the 18th September 1885 } —Printed in Appendix V.

Indian Christian
 Marriage Act, 1872.
 Officers appointed to
 be Marriage
 Registrars and
 licensed to grant
 certificates of
 marriage between
 Native Christians.
 Certificates of
 marriage to be sent
 to the Resident.
 Fees and Rules.

No. 1586-E., dated the 29th August 1892.—Printed in Appendix V.

Administrator-
 General's Act, 1874.
 Inclusion of Baroda
 in the Presidency of
 Bombay for the
 purposes of the Act.
 Exercise of the
 powers and duties of
 a District Judge
 under the Act in
 Baroda.

No. 855-I.B., dated the 16th April 1913.—Printed in Appendix VI.

No. 3542-I., dated the 27th August 1891.—Printed in Appendix VI.

Sea Customs Act,
 1878
 Baroda ports declared
 to be British Indian
 ports.

No. 1180, dated the 26th June 1866.—Under the provisions of section 12 of Act VI of 1863 and in exercise of the power and authority therein reserved, the Governor-General in Council is pleased to declare the ports of His Highness the Gaekwar . . . to be British Indian ports for the purposes of section 18, section 141 and sections 149 to 160 of the same Act in so far as the said sections or any of them are capable of being applied with respect to such ports.

[*Gazette of India*, 1866, Pt. I, p. 908.]

No. 4860-C., dated the 8th September 1905—In exercise of the power conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878) * * the Governor-General in Council is pleased to prohibit the bringing into British India by sea or by land of copper or bronze coin, not being King's coin or coin issued by any Native State in India other than the State of Baroda.

Prohibition of
 import of Baroda
 copper coin into
 British India.

2. Provided that the bringing of such coin into British India by a traveller, in any quantity not exceeding one rupee's worth at any one time, in good faith, for his own use, shall not be deemed to be prohibited by this notification.

[*Gazette of India*, 1905, Pt. I, p. 660.]

No. 3102, dated the 16th August 1909.—Printed in Appendix XVII.

Indian Arms Act,
 1878
 Exemption of certain
 persons in Native
 States from certain
 prohibitions and
 directions contained
 in the Act.

¹ See now Act VIII of 1878, by section 2 of which this notification is kept in force.

Rules regarding the export of arms and ammunition from, and their import into, British India.
Indian Income-tax Act, 1886.

Appointment of the First Assistant Resident as Collector for the purpose of granting certificates.
Births, Deaths and Marriages Registration Act, 1886

Appointment of—
(a) First Assistant Resident to be Registrar of Births and Deaths ;
(b) Registrar General for Bombay to be Registrar General for Baroda

Rules and fees

Indian Tariff Act, 1894.

State territory in Kathiawar west of a certain customs line declared to be foreign territory for purposes of section 5.

Indian Foreign Marriage Act, 1903.
Fees and Rules.
Indian Extradition Act, 1903.

Political Agent authorised to grant extradition for an act against the law of the State which in British India would constitute an offence under the Criminal Tribes Act, 1871.

Rules under the Act except in areas under British jurisdiction.

Indian Universities Act, 1904.

Inclusion of Baroda in the territorial limits of the Bombay University.

Code of Civil Procedure, 1908.

The Indian Arms Rules, 1909.—Printed in Appendix XVII.

No. 4135-I., dated the 16th September 1887.—Printed in Appendix VII.

No. 2933-I., dated the 15th July 1891 —Printed in Appendix VIII.

No. 1173, dated the 19th July 1888 —Printed in Appendix VIII.

No. 7133, dated the 20th September 1904 —In exercise of the powers conferred by section 5, sub-section (2) of the Indian Tariff Act, 1894 (VIII of 1894) * * the Governor in Council is pleased to declare that so much of the territories of the Native Chiefs of the Province of Kathiawar as lie outside and to the west of a line connecting the Customs Stations established under section 4 of Act XXIX of 1857 shall be deemed to be foreign territory for the purposes of section 5 of the said Indian Tariff Act, 1894.
[*Bombay Government Gazette*, 1904, Pt I, p. 1254.]

No. 341, dated the 11th August 1904.—Printed *supra*, page 5.

No. 3361-I A, dated the 23rd December 1898.—Printed in Appendix IX.

No. 1862-I.A, dated the 13th May 1904.—Printed in Appendix IX.

No. 717, dated the 20th August 1904.—See Appendix X.

(See Orders relating to Courts *infra*.)

V.—Orders relating to Courts.

No. 1431-I., dated the 27th April 1893.—Printed in Appendix XIII.

British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India.

No. 1863-I.A., dated the 13th May 1904.—Printed in Appendix IV.

Criminal law and procedure of British India applicable to British subjects in Native States.

No. 853-I.B., dated the 16th April 1913.—Printed in Appendix IV.

Jurisdiction of the High Court at Bombay over European British subjects in Baroda.

No. 2616-I., dated the 6th August 1890.—Printed in Appendix IV.

Justices of the Peace to commit for trial to the High Court having jurisdiction.

No. 680-I.B., dated the 19th March 1912.—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the 1st class and to hold inquests.

No. 1640-I.B., dated the 31st July 1912.—Printed in Appendix IV.

Appointment of Justice of the Peace for Baroda State.

No. 1639-I.B., dated the 31st July 1912.—Whereas the Governor-General in Council has in certain cases criminal jurisdiction within the Baroda State :

Criminal jurisdiction of the Resident and the First Assistant Resident in the Baroda State excluding Baroda Cantonment.

In exercise of this jurisdiction and of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to issue the following orders with respect to such cases :

- (1) The First Assistant for the time being to the Resident at Baroda shall exercise in respect of such cases occurring within the limits of the said State the powers of a District Magistrate and those of a Court of Session as described in the Code of Criminal Procedure, 1898.
- (2) The Resident at Baroda for the time being shall exercise the powers of a Court of Session and those of a High Court, respectively, as

described in the Code of Criminal Procedure, 1898, in respect of all offences over which the jurisdiction of a Magistrate and of a Court of Session, respectively, is exercised by the First Assistant. Provided that:—

- (a) the First Assistant shall not commit any accused person for trial to the Resident acting as a Court of Session; and
 - (b) in cases in which the Code requires the sentence of a Court of Session to be confirmed by the High Court, the sentence shall be referred for confirmation to the Governor-General in Council, instead of to the Resident
- (3) In exercise of the jurisdiction of a Court of Session conferred on him by these orders, the First Assistant to the Resident may take cognizance of any offence, as a Court of criminal original jurisdiction, without the accused person being committed to him by Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates.
- (4) These orders apply to all proceedings except proceedings against European British subjects or persons jointly charged with European British subjects; but nothing therein shall be deemed to extend to the Cantonment of Baroda.

[*Gazette of India*, 1912, Pt. I, p. 803.]

Lists of Courts established or continued by the Governor-General in Council in States in the political control of the Government of India and of Local Governments.

No 786-I.B. }
 No. 787-I.B. } dated the 9th April 1913.—Printed in Appendix XII A.
 No. 788-I.B. }

Service of summonses of Civil and Revenue Courts of the Baroda State—

(a) by Courts in British India;

No. 1990-I., dated the 20th June 1895.—Printed in Appendix XIIB.

- No. 397-I.B., dated the 25th February 1910.—Printed in Appendix XIA. (b) by Courts established or continued by the Governor-General in Council
Execution of decrees of Civil Courts of the Baroda State—
- No. 2684-I.A., dated the 3rd July 1908.—Printed in Appendix XIIB. (a) by Courts in British India ;
- No. 399-I.B., dated the 25th February 1910.—Printed in Appendix XIA (b) by Courts established or continued by the Governor-General in Council¹
Service by Civil Courts of the Baroda State of summonses—
- No. 1568-I.B., dated the 10th August 1909.—Printed in Appendix XIIC. (a) of Courts in British India ;
- No. 398-I.B., dated the 25th February 1910.—Printed in Appendix XIIC. (b) of Courts established or continued by the Governor-General in Council
Execution by Courts of the Baroda State of decrees—
- No. 2053-I.B., dated the 22nd September 1911. }
No. 2623-I.B., dated the 24th December 1912. } —Printed in Appendix XIIC (a) of Civil Courts in British India ;
(b) of Courts established or continued by the Governor-General in Council.¹
- No. 11650, dated the 1st November 1890.—Printed, page 91 *infra*. (c) of Civil Courts of Baroda Cantonment
- No. 11650, dated the 1st November 1890.—Printed, page 91 *infra*. Reciprocal service of summonses by
- No. 4424-I., dated the 26th December 1890.—Printed in Appendix XIA Criminal Courts of the Baroda State and of Baroda Cantonment.

¹ Notification No 11650, dated the 1st November 1890, printed p 91 *infra*, provides for the reciprocal service of summonses and execution of decrees between the Civil Courts of the Baroda State and of the Cantonment of Baroda and is to that extent superseded by these notifications.

CANTONMENT OF BARODA.

The following British enactments are in force in Baroda Cantonment :—

I.—Statutes—*See* Appendix I.

II.—Acts of the Governor-General in Council.—*See* Appendix II.

III.—Orders under Statutes.

28 Vict c 15.

No. 853-I.B., dated the 16th April 1913.—Printed in Appendix IV.

53 and 54 Vict. c. 37.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix III.

IV.—Orders under Acts of the Governor-General in Council.

Indian Evidence Act,
1872.

No. 1387-I A., dated the 12th April 1904 —Printed *supra*, page 70.

Officers of the Baroda
State empowered to
certify documents.

Indian Christian
Marriage Act, 1872.

No. — dated the 5th November 1874.

No. 3732-I., dated the 18th September 1888. } —Printed in Appendix V.

Officers appointed to
be Marriage
Registrars and
licensed to grant
certificates of
marriage between
Native Christians.
Certificates of
marriage to be sent
to the Resident.

Fees and Rules.

No. 1586-E., dated the 29th August 1892.—Printed in Appendix V.

Administrator-
General's Act, 1874.

No. 855-I.B., dated the 16th April 1913.—Printed in Appendix VI.

Inclusion of Baroda
including Baroda
Cantonment in the
Presidency of
Bombay for the
purposes of the Act.

Exercise of the
powers and duties of
a District Judge
under the Act.

No. 3542-I., dated the 27th August 1891.—Printed in Appendix VI.

No. 3102, dated the 16th August 1909.—Printed in Appendix XVII.

(The Indian Arms Rules, 1909.)

Indian Arms Act,
1878.

Exemption of certain persons in Native States from certain prohibitions and directions contained in the Act.

Rules regarding the export of arms and ammunition from, and their import into, British India.

No. 4135-I., dated the 16th September 1887.—Printed in Appendix VII.

Indian Income-tax Act, 1886.

Appointment of the First Assistant Resident as Collector for the purpose of granting certificates.

No. 2933-I., dated the 15th July 1891 —Printed in Appendix VIII.

Births, Deaths and Marriages Registration Act, 1886.

Appointment of—
(a) First Assistant Resident to be Registrar of Births and Deaths;
(b) Registrar General for Bombay to be Registrar General for Baroda
Rules and Fees.

No. 1173, dated the 19th July 1888.—Printed in Appendix VIII.

Indian Stamp Act, 1899.

¹ *No. 3616-Exc., dated the 16th July 1909.*—In exercise of the powers conferred by section 9, clause (a) of the Indian Stamp Act, 1899 (II of 1899) * * * the Governor-General in Council is pleased * * * to remit the duties * chargeable in respect of instruments of the * classes hereinafter described :—

Remission of duty in British India on instruments executed in Baroda Cantonment on which the stamp duty chargeable there has been paid.

*

*

*

81. Instrument executed in the areas mentioned in the schedule hereto attached in respect of which the stamp duty with which it is chargeable under

¹ For notifications securing similar remissions in Administered Areas under British jurisdiction, cf. Vol II, p 176, and corresponding notifications in volumes III and IV.

the stamp law for the time being in force in the said areas has been paid in accordance with the said law.

SCHEDULE.

3 The Cantonments of Baroda
[*Gazette of India*, 1909, Pt I, p 597]

Indian Foreign
Marriage Act, 1903.
Fees and Rules

No. 341, dated the 11th August 1904.—Printed *supra*, page 5.

Indian Universities
Act, 1904
Inclusion of Baroda
in the territorial
limits of the Bombay
University

No. 717, dated the 20th August 1904.—See Appendix X.

Code of Civil
Procedure, 1908.

(See Orders in force relating to Courts *infra*.)

V.—Acts locally applied.

No. 162-I B., dated the 28th January 1913.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to apply to the Cantonment of Baroda the enactments specified in the schedule hereto annexed, in so far as the same may be applicable, and subject to any amendments to which the enactments are for the time being subject in British India.

Provided, first, that in the enactments as so applied, references to a Local Government, the Chief Controlling Revenue Authority or the Chief Revenue Authority shall be read as referring to the Resident at Baroda; references to a Secretary to a Local Government as referring to the First Assistant to the Resident at Baroda; references to a High Court as referring to the Court of the Resident at Baroda, and, except where the context or the modifications hereinafter referred to otherwise require, references to British India or the territories subject to a Local Government as referring to the said Cantonment of Baroda.

Provided, secondly, that the further modifications and restrictions set forth in the said schedule shall be made in the said enactments as so applied.

Provided, thirdly, that for the purpose of facilitating the application of the said enactments any Court in the said Cantonment of Baroda may construe the provisions thereof and any notifications, orders, rules, forms or bye-laws thereunder with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court.

Provided, fourthly, that subject to the provisions of this notification the Resident at Baroda may direct by what officer any authority or power under the said enactments shall be exercisable.

II. The following notifications of the Government of India in the Foreign Department are hereby cancelled :—

* * * * *

Provided that all civil and criminal proceedings pending at the date of this notification shall be carried on as if this notification had not been issued, but that, save as aforesaid, all proceedings commenced, officers appointed or authorized, jurisdictions or powers conferred or confirmed, notifications published, rules or bye-laws made, orders passed and things done under any of the enactments specified in the notifications hereby superseded in the said Cantonment of Baroda, shall be, as far as may be, deemed to have been

respectively commenced, appointed or authorized, conferred or confirmed, published, made, passed and done, under the corresponding enactments specified in this notification.

SCHEDULE.

Enactments and Laws applied	Further modifications and restrictions
<ol style="list-style-type: none"> 1. The Judicial Officers Protection Act, 1850 (XVIII of 1850) 2. The Indian Penal Code (Act XLV of 1860). 3. The Indian Succession Act, 1865 (X of 1865) 4. The Parsi Marriage and Divorce Act, 1865 (XV of 1865). 5. The Parsi Intestate Succession Act, 1865 (XXI of 1865) 6. The Court-fees Act, 1870 (VII of 1870) 7. The Cattle-trespass Act, 1871 (I of 1871). 8. The Indian Evidence Act, 1872 (I of 1872) 9. The Indian Contract Act, 1872 (IX of 1872) 10. The Indian Oaths Act, 1873 (X of 1873) 11. The Opium Act, 1878 (I of 1878). 12. The Probate and Administration Act, 1881 (V of 1881). 13. The Indian Salt Act, 1882 (XII of 1882). 14. The Indian Telegraph Act, 1885 (XIII of 1885) 15. The Indian Income-tax Act, 1886 (II of 1886). 16. The Provisional Small Cause Courts Act, 1887 (IX of 1887). 	<p>In section 75, the words "British India" shall be read as referring to British India and the Cantonment of Baroda.</p> <p>1 The provisions of the Act shall not be applicable to Native Christians</p> <p>2 In section 3, the definition of "British India" and in the definition of "High Court" the word 'therein' shall be omitted.</p> <p>In sections 57, 74, 78 and 79 the words "British India" shall be read as referring to British India, the Cantonment of Baroda, and areas outside British India under the administration of the Governor-General in Council.</p> <p>1 References to "the Commissioner" or "Commissioner of Division" or "the Commissioner of the Division" shall be construed as referring to the First Assistant to the Resident at Baroda</p> <p>2 In section 3, sub-section (5), the words from "and includes" to the end, shall be omitted</p> <p>3 In sections 22 and 43, for the word "India" the words "the Cantonment of Baroda" shall be substituted</p> <p>4 Section 47 and Article 2 of Part I of the Second Schedule shall be omitted.</p> <p>1 Sections 2, 6 to 12, 15 sub-section (3), 18 to 21, 30 to 34, and 37 shall be omitted</p>

SCHEDULE—*contd.*

Enactments and Laws applied.	Further modifications and restrictions.
16 The Provincial Small Cause Courts Act, 1887 (IX of 1887)— <i>contd.</i>	<p>2 For section 5 the following shall be substituted —</p> <p>“5 (1) The Court of Small Causes established in the Cantonment of Baroda by the notification of the Governor of Bombay in Council, No 299 (Judicial), dated the seventeenth day of November, 1868, is hereby continued.</p> <p>(2) The Cantonment Magistrate for the time being of the Cantonment of Baroda shall be the Judge of the Court of Small Causes, and the local limits of the jurisdiction of that Court shall be the limits for the time being of the said Cantonment”</p> <p>3 In section 22 for the words from “and an ” to “or other ” the word “ the ” shall be substituted.</p>
17 The Succession Certificate Act, 1889 (VII of 1889).	<p>For section 17 the following shall be substituted —</p> <p>“17. Where a certificate in the form of the second schedule to this Act has been granted under the Succession Certificate Act, 1889, by a Court having jurisdiction under the Act in British India or under the Act as applied in any area outside British India which is under the administration of the Governor-General in Council, or where a certificate in the form, as nearly as circumstances admit, of the said schedule has been granted to a resident within a foreign State by the British representative accredited to the State, or where a certificate so granted has been extended in such form by such Court or by such representative, the certificate shall have the same effect as a certificate granted or extended under this Act.”</p>
18. The Revenue Recovery Act, 1890 (I of 1890)	<p>For section 8 the following shall be substituted —</p> <p>“8. The provisions of this Act shall apply equally to—</p> <p>(a) the recovery in the Cantonment of Baroda of any arrear of land-revenue accruing or sum recoverable as an arrear of land-revenue and payable to a Collector or other public officer or to a local authority, in any part of British India or in any local area, which is not part of British India but which is under the administration of the Governor-General in Council, and to which the Revenue Recovery Act, 1890, has been applied ;</p> <p>(b) the demand for the recovery in British India or in any such local area of any such arrear accruing, or sum so recoverable and payable, in the said Cantonment.”</p>
19. The Guardians and Wards Act, 1890 (VIII of 1890).	<p>In section 3, clause (7) the words “British India” shall be read without any modification, but in any other enactment, where this definition would otherwise apply, the words shall be read subject to the provisions of this notification.</p>
20. The Prevention of Cruelty to Animals Act, 1890 (XI of 1890)	
21. The Epidemic Diseases Act, 1897 (III of 1897)	
22. The General Clauses Act, 1897 (X of 1897).	

SCHEDULE—*contd.*

Enactments and Laws applied	Further modifications and restrictions
23 The Code of Criminal Procedure, 1898 (V of 1898).	<p>1 Sections 22 to 25 shall be omitted</p> <p>2 The powers prescribed by sections 401 and 402 shall be exercised only by the Governor-General in Council</p> <p>3 In section 503, sub section (1), after the words "such attendance and" the words "if such witness resides in any area to which this Code applies or in British India" shall be inserted.</p> <p>4 Nothing in the Code as applied shall be deemed to apply to proceedings against European British subjects or persons charged jointly with European British subjects.</p>
24 The Indian Post Office Act, 1898 (VI of 1898)	<p>(1) Sections 57, 58 and 59 shall be omitted</p> <p>(2) In section 60, sub-section (1), the words "other than a Court mentioned in section 57" and "or Chief Court refer the same" shall be omitted</p> <p>(3) In section 60, sub-section (2), the words "as if it had been referred under section 57" and "under the seal. another like copy" shall be omitted</p>
25 The Indian Stamp Act, 1899 (II of 1899)	
26 The Cantonments (House Accommodation) Act, 1902 (II of 1902)	
27 The Poisons Act, 1904 (I of 1904).	
28 The Provincial Insolvency Act, 1907 (III of 1907)	
29 The Code of Civil Procedure, 1908 (V of 1908).	<p>1 In section 2, sub-section (5), section 10 and rule 49, sub-rules (4) and (5) of Order XXI in the First Schedule the words "British India" shall be read as referring to British India and the Cantonment of Baroda.</p> <p>2 In the proviso to section 29, after the word "summonses," the words "situate in British India or" shall be inserted</p> <p>3. For section 43, the following shall be substituted —</p> <p>"43 Any decree passed by a Civil Court in British India or by any Court established or continued by the authority of the Governor-General in Council, may, if it cannot be executed within the jurisdiction of the Court by which it was passed, be executed in the manner herein provided within the Cantonment of Baroda."</p> <p>4 In section 45, after the words "any Court" the words "situate in British India or," shall be inserted.</p> <p>5 In section 78, for clause (b) the following shall be substituted —</p> <p>"(b) courts situate in British India or in any other part of the British Empire, or"</p> <p>6 To rule 25 of Order V in the First Schedule the following shall be added —</p> <p>"Provided that, if the defendant resides in British India, the summons may be sent for service to a Court (not being a High Court) having jurisdiction at the place where he resides and if the Court returns the summons with an endorsement signed by the Judge or other officer of the Court that the summons has been served on the defendant in manner heretofore directed, such endorsement shall be deemed to be evidence of service"</p>

SCHEDULE—*contd.*

Enactments and Laws applied	Further modifications and restrictions
29. The Code of Civil Procedure, 1908 (V of 1908)— <i>conold</i>	7 The provisions of rule 43 of Order XXI in the First Schedule shall apply only to those cases in which the salary or allowances are payable in the Cantonment of Baroda
30. The Indian Limitation Act, 1908 (IX of 1908)	<p>1 In section 13, "British India" shall be read as referring to British India and the territories of Baroda, including the Cantonment of Baroda</p> <p>2 In section 30 for the words "next after the passing of this Act" the words "from the ninth day of June 1911" shall be substituted</p> <p>3 For section 31, the following shall be substituted — "31 Notwithstanding anything contained in this Act or in the Indian Limitation Act, 1877, a suit for foreclosure or a suit for sale by a mortgagee may be instituted before the ninth day of June 1913 or within sixty years from the date when the money secured by the mortgage became due, whichever period expires first, and no such suit instituted within the said period of sixty years and pending at the date of this notification, in a Court either of first instance or of appeal, shall be dismissed on the grounds that a twelve years' rule of limitation is applicable"</p> <p>4 The second schedule shall be omitted</p>
31 The Indian Registration Act, 1908 (XVI of 1908)	<p>1 In section 33, the words "British India" shall remain unmodified</p> <p>2 In section 33 sub-section (1) after the words "executing the power-of-attorney resides" in clause (a) and after the words "does not reside" in clause (c), the words "in the Cantonment of Baroda or," shall be added.</p> <p>3 Section 67 shall be omitted</p>
32 The Whipping Act, 1909 (IV of 1909)	Section 6 shall be omitted.
33 (a) The Indian Paper Currency Act, 1910 (II of 1910)	<p>Only the following sections shall apply as hereby modified</p> <p>"15 A universal currency note for the time being of British India¹ and any currency note of the Bombay circle of issue as established for the time being under the Indian Paper Currency Act, 1910, shall be a legal tender for the amount expressed in the note in payment or on account of</p> <p>(a) any revenue or other claim to the amount of five rupees or upwards due to Government, and</p> <p>(b) any sum of five rupees or upwards due by Government or by any body corporate or person</p> <p>26 No person shall draw, accept, make or issue any bill of exchange, hundi, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe or take up any sum or sums of money on the bills, hundis or notes payable to bearer on demand, of any such person</p> <p>Provided that cheques or drafts payable to bearer on demand or otherwise, may be drawn on bankers, shroffs or agents by their customers or constituents, in respect of deposits of money in the hands of those bankers, shroffs or agents and held by them at the credit and disposal of the persons drawing such cheques or drafts</p> <p>27 (1) Any person contravening the provisions of section 26 shall, on conviction by a Magistrate of the first class, be punishable with a fine equal to the amount of the bill, hundi, note or engagement in respect whereof the offence is committed</p>

¹ For the universalisation of Rs 100 notes see notification No. 2084-F., dated the 1st April 1911. *Gazette of India*, 1911, Pt. I, p. 233.

SCHEDULE—*contd.*

Enactments and Laws applied	Further modifications and restrictions
33. (a) The Indian Paper Currency Act, 1910 (II of 1910)— <i>concd</i>	(2) Every prosecution under this section shall be instituted by a person empowered in this behalf by the Governor-General in Council."
34 The Cantonments Act, 1910 (XV of 1910).	<p>1. For section 3, the following shall be substituted :—</p> <p>" 3. The Governor-General in Council may, by notification in the <i>Gazette of India</i>, define the limits of the Cantonment of Baroda for the purpose of this Act and of all other enactments for the time being in force"</p> <p>2. For section 6, the following shall be substituted :—</p> <p>" 6. The Cantonment Magistrate shall be such person as the Resident at Baroda from time to time, by name or by office, appoints in this behalf, and shall exercise such powers described in the Code of Criminal Procedure, 1898 (V of 1898) as the Resident at Baroda may from time to time confer upon him."</p> <p>3 Sections 7 to 10 shall be omitted</p> <p>4. In section 15, for the words "the territories administered by such Government" in both places where they occur, the words "British India" shall be substituted.</p> <p>5 In section 16, sub-section (1), for the words "any cantonment which is not included in a municipality and which is situated in any part of British India in which that Act is in force" the words "the Cantonment of Baroda" shall be substituted.</p> <p>6 In section 23, the words "British India" shall be read without modification.</p> <p>7 In section 25, for sub-sections (1) and (2), the following shall be substituted —</p> <p>" (1) Whenever the Governor-General in Council has, by a notification in the <i>Gazette of India</i>, extended, under section 23, any enactment in any form to any cantonment or any part of any cantonment in British India or made under section 24 any rule for any such cantonment or any part of any such cantonment, the Governor-General in Council may, by notification in the <i>Gazette of India</i>, declare the enactment or rule so extended or made to be in force in the cantonment of Baroda or any part thereof, subject to such restrictions and modifications, if any, as he may think fit.</p> <p>" (2) The enactment or rule shall thereupon, in accordance with such declaration, be in force in the Cantonment of Baroda or the part thereof, as the case may be, until the Governor-General in Council shall otherwise direct."</p>
35. The Indian Airships Act, 1911 (XVII of 1911).	<p>1 Section 1, sub-section (3) and section 4, sub-section (2) shall be omitted</p> <p>2 In section 6 after the words "any rule made" the words "or notification issued" shall be inserted</p>

SCHEDULE—*contd.*

Enactments and Laws applied	Further modifications and restrictions.
36. The Indian Lunacy Act, 1912 (IV of 1912).	<p>1. To section 3, sub-section (1) the following shall be added — “and includes any asylum in British India which the Governor-General in Council may by general or special order appoint”</p> <p>2 Sections 14, 15 and 67 shall be subject to the proviso that, if a lunatic is an inhabitant of a Native State, the Magistrate or Judge, as the case may be, may make him over to the care of such State with its consent and in the case of an order under section 67, with the consent of the person on whose application the inquisition was instituted</p> <p>3 In section 85 for the words “in any province,” and “in any other province,” respectively, the words “in the Cantonment of Baroda,” and “outside the Cantonment of Baroda” shall be substituted.</p>
BOMBAY REGULATIONS.	
37. The Bombay Administration of Estates Regulation, 1827 (VIII of 1827).	The words “Sadr Diwani Adalat” shall be read as referring to the Court of the Resident at Baroda.
ACTS OF THE GOVERNOR OF BOMBAY IN COUNCIL	
38. The Bombay Public Conveyances Act, 1863 (VI of 1863).	<p>1. References to “the Commissioner of Police” and to “a Magistrate of Police” or “Police Magistrate” shall be read as referring to the Cantonment Magistrate and references to “the Bombay Government Gazette” as referring to the Gazette of India. All references to a “water conveyance” and a “Master-Attendant,” shall be omitted</p> <p>2. For section 1, the following shall be substituted — “1. Every carriage with two or more wheels, which shall be used for the purpose of plying for hire within the Cantonment of Baroda, of whatever form or construction, or by whatever number of horses or other animals the same shall be drawn, and every palki which shall be let for hire, shall be deemed and taken to be a public conveyance within the meaning of this Act.”</p> <p>3. For section 7, the following shall be substituted — “7. For every such license there shall be levied a fee of one rupee per mensem for the period for which the license is granted. The proceeds of such fees shall be credited to the Cantonment Fund”</p> <p>4. For section 24, the following shall be substituted — “24. In case of any dispute the hirer of a public conveyance may require the driver or attendant thereof, and the driver or attendant may require the hirer thereof, to proceed forthwith to the nearest Police Officer, who shall report the case to the Cantonment Magistrate”</p> <p>5. For Section 35 the following shall be substituted — “35 No conviction under this Act shall be open to appeal or reversal.”</p>
39. The Bombay Abkari Act, 1878 (V of 1878).	<p>1 References to the “Presidency of Bombay,” the “Bombay Presidency” and the “said Presidency” shall be read as referring to the Cantonment of Baroda; and references to the Bombay Government Gazette as referring to the Gazette of India.</p> <p>2. The Resident at Baroda shall exercise the powers of a Commissioner, and the Cantonment Magistrate the powers of a Collector, under the Act.</p>

SCHEDULE—*concl'd*

Enactments and Laws applied	Further modifications and restrictions
39 The Bombay Abkari Act, 1878 (V of 1878) — <i>cont'd</i>	<p>3 Section 9, sub-section (1), clause (a), section 10, clause (b) and section 16, sub-section (2) shall be omitted</p> <p>4 In section 3, clause (18) and sections 9 and 19 the words "British India" shall remain unmodified</p> <p>5. To proviso (i) to section 19 the following shall be added — "on which duty at import tariff rates has been levied in British India or in any area under the administration of the Governor-General in Council"</p> <p>6 In proviso (ii) to section 19 for the words "manufactured in India" the words "on which duty at import tariff rates has not been levied in British India or in any area under the administration of the Governor-General in Council" shall be substituted</p> <p>7 Section 19-A shall be subject to the proviso that duty shall not be paid otherwise than in the Cantonment of Baroda except with the sanction of the Resident at Baroda</p>
40. The Bombay District Police Act, 1890 (IV of 1890).	References to the "Presidency of Bombay" shall be read as referring to the Cantonment of Baroda and references to the Bombay Government Gazette as referring to the Gazette of India

[*Gazette of India*, 1913, Pt. I, p 86]

VI.—Orders relating to Courts.

<i>No 1431-I, dated the 27th April 1893</i> —Printed in Appendix XIII.	Execution of capital sentences in British India
<i>No 1863-I. A., dated the 13th May 1904</i> —Printed in Appendix IV.	Criminal law and procedure of British India applicable to British subjects in Native States
<i>No 853-I B., dated the 16th April 1913</i> —Printed in Appendix IV.	High Court at Bombay to exercise jurisdiction over European British subjects.
<i>No. 2616-I, dated the 6th August 1890</i> —Printed in Appendix IV.	Justices of the Peace to commit to the High Court at Bombay
<i>No. 680-I B., dated the 19th March 1912.</i> — Printed in Appendix IV.	Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests
<i>No 1164-I., dated the 23rd March 1888.</i> } <i>No. 1640-I.B, dated the 31st July 1912</i> }	Appointment of Justices of the Peace.
<i>No. 1188-I B, dated the 9th June 1911</i> —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in supersession of Part II of the notification of the Government of India in the Foreign Department, No 438-I A., dated the 17th February 1899, as amended by the like notification No 1096-I B., dated the 28th April 1899, and of Part II of notification No 2919-I., dated the 3rd September 1890, the Governor-General in Council is pleased to provide as follows for the administration of justice within the Cantonment of Baroda.	
Constitution of Civil and Criminal Courts.	

PART I — CRIMINAL JURISDICTION

For the purposes of criminal jurisdiction within the said Cantonment, the following arrangements shall be made, namely .—

1 The Cantonment Magistrate of Baroda shall exercise the powers of a Magistrate of the first class, as described in the Code of Criminal Procedure, 1898.

2. The First Assistant for the time being to the Resident at Baroda shall exercise the powers of a District Magistrate and those of a Court of Session as described in the Code of Criminal Procedure, 1898.

3. The Resident at Baroda for the time being shall exercise the powers of a Court of Session and those of a High Court, respectively, as described in the Code of Criminal Procedure, 1898, in respect of all offences over which the

jurisdiction of a Magistrate and of a Court of Session, respectively, is exercised by the First Assistant: Provided that :—

- (a) the First Assistant shall not commit any accused person for trial to the Resident acting as a Court of Session ; and
- (b) in cases in which the Code requires the sentence of a Court of Session to be confirmed by the High Court, the sentence shall be referred for confirmation to the Governor-General in Council, instead of to the Resident.

4. In exercise of the jurisdiction of a Court of Session conferred on him by these orders, the First Assistant to the Resident may take cognizance of any offence, as a Court of original criminal jurisdiction, without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates.

5. A trial before the First Assistant to the Resident of an accused person who has been committed by a Magistrate may be without jury or the aid of assessors.

6. This part of these orders applies to all proceedings except proceedings against European British subjects or persons jointly charged with European British subjects ; and

PART II.—CIVIL JURISDICTION.

For the purposes of civil jurisdiction within the said Cantonment, the following arrangements shall be made, namely :—

1. The First Assistant for the time being to the Resident at Baroda shall exercise the powers of a District Court, as described in the Code of Civil Procedure, 1908, with jurisdiction in all original suits, whatever be the amount or value of the subject matter, and in all other cases in which jurisdiction is conferred on the District Court by the law for the time being in force in the said Cantonment.

2. Appeals shall lie, subject to the provisions of the enactments for the time being in force in the said Cantonment, from the decrees and orders of the said District Court to the Resident at Baroda, who shall exercise the powers of a High Court for all purposes whatsoever connected with the administration of civil justice within the said Cantonment.

[*Gazette of India*, 1911, Pt. I, p. 438.]

No. 786-I, B., dated the 9th April 1913.—Printed in Appendix XIII A.

Courts in British India empowered to send summonses under the Code of Civil Procedure and decrees to the Small Cause Court and the District Court of Baroda Cantonment for service and execution.

²No. 1366-I., dated the 29th March 1889.

³No. 1367-I., dated the 29th March 1889.

No. 1368-I., dated the 29th March 1889.

No. 2182-I., dated the 2nd July 1890.

No. 397-I.B., dated the 25th February 1910.

} Printed in Appendix
XIII A.

Service by the said Courts of Baroda Cantonment of summonses—

(a) of Civil or Revenue Courts in British India ;

(b) of other ¹Courts established or continued by the Governor-General in Council ;

(c) of Civil or Revenue Courts of Hyderabad, Mysore, Central India States, States in the political control of the Bombay Government and Baroda.

³No. 1363-I., dated the 29th March 1889.

No. 1364-I., dated the 29th March 1889.

No. 4051-I.A., dated the 18th September 1902.

No. 399-I.B., dated the 25th February 1910.

} Printed in Appendix
XIII A.

Execution by the said Courts of Baroda Cantonment of decrees—

(a) of other ¹Courts established or continued by the Governor-General in Council ;

(b) of certain Courts of Mysore, States in the political control of the Bombay Government and Baroda.

¹ For lists of such Courts in other parts of India see notifications No. 786—798-I. B., dated the 9th April 1913 Printed in Appendix XII A.

² See also modification 2) in the Code of Civil Procedure as locally applied *Supra*

³ See also modification 3) p 82.

Service of summonses
of the said Courts of
Baroda Canton-
ment—¹

(a) by other ²Courts
established or
continued by the
Governor-General in
Council ;

(b) by Civil Courts
of the Baroda and
Mysore States.

Execution of
decrees of the said
Courts of Baroda
Cantonment—¹

(a) by other ²Courts
established or
continued by the
Governor-General in
Council ;

(b) by Civil Courts
of the Baroda and
Mysore States

Service by the Court
of the Cantonment
Magistrate of
summonses of
Criminal Courts of
the Baroda State,
and *vice versa*.

No. 1367-I., dated the 29th March 1889.—Printed in Appendix XIIA.

No. 398-I.B., dated the 25th February 1910 } —Printed in Appendix
No. 2622-I.B., dated the 24th December 1912 } XIIC.

No. 1363-I., dated the 29th March 1889 —Printed in Appendix XIIA.

No. 2623-I.B., dated the 24th December 1912 —Printed in Appendix XIIC.

No. 4424-I., dated the 26th December 1890.—Printed in Appendix XIIA.

No. 11650-I., dated the 1st November 1890.—Printed, page 91 *infra*.

¹ These Courts may send their summonses and decrees to courts in British India for service and execution—see sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908) Printed General Acts, Volume VI, Edition 1909, p 133.

² See footnote 1 on previous page.

VII.—Local Laws.¹

No. 11650, dated the 1st November 1890.²—With the sanction of the Governor-General in Council,* and the concurrence of the Government of His Highness the Gaekwar of Baroda, the following rules are prescribed for regulating the reciprocal execution of civil decrees, realization of State demands, and service of summons between the Cantonment of Baroda and the Baroda State :—

Rules regulating the reciprocal execution of civil decrees, realization of State demands, and service of summons between the Cantonment of Baroda and the Baroda State.

Execution of civil decrees and realization of State demands

1 The Cantonment Magistrate at Baroda is authorized by the Governor-General in Council to execute and realize, against the property or person of any individual residing in or possessing property within the local limits of his jurisdiction, civil decrees, original or appellate, passed by the Courts of His Highness the Gaekwar and State demands preferred by His Highness the Gaekwar's Government, provided that the said decrees or State demands be forwarded for execution or realization, with the requisite darkhast or statement of State demands through the Agent to the Governor-General.

2. Should a decree be executed or a demand realized, its amount will be remitted, together with a certificate of execution or realization, through the Agent to the Governor-General, to the Baroda Government. Should execution or realization be impossible, the decree or demand will be endorsed to that effect and returned, through the Agent to the Governor-General, to the Baroda Government.

3. Civil decrees passed by the Judge of the Court of Small Causes of the Baroda Cantonment or by the District Court of the same place may be forwarded to the Baroda Government, through the Agent to the Governor-General, for execution. The Agent to the Governor-General may also forward to the Baroda Government for realization State demands of the British Government arising within the Cantonment of Baroda

4. State demands to be realized for the Baroda Government, or to be sent for realization by the Agent to the Governor-General to the Baroda Government, will be restricted to items of revenue or other incomings connected with land revenue, water rates, abkari or customs; or debts due on contract for the

¹ For other Local Laws made under the Indian (Foreign Jurisdiction) Order in Council, 1902, see the Orders relating to Courts *supra* p 87.

² So much of this notification as refers to the reciprocal service of summonses and the execution of decrees of Civil Courts is superseded by notifications Nos 397-I B., 398-I B., and 399-I B., dated the 25th February 1910, and No. 2623-I.B., dated the 24th December 1912, printed in Appendix XIII and Appendix XIIC.

farm or collection of the same, or on contract for the execution of public or other works between individuals and the Government of Baroda on the one hand, or individuals and the British Government on the other; or fines or forfeitures leviable from such contractors or other sureties.

5. In effecting the execution of a decree or the realization of a State demand, the Cantonment Magistrate at Baroda will, as far as may be convenient, be guided by the provisions of the Code of Civil Procedure relating to the execution of decrees or by the law or rules obtaining in the Bombay Presidency for the realization of the State demands, as the case may be. He will refer doubtful points for the orders of the Agent to the Governor-General, whose decision shall be final.

Service of summons.

6. Summonses for the attendance of witnesses issued by the Baroda Courts, summonses on defendants in civil suits issued by the same Courts, may be served in the Baroda Cantonment by the Cantonment Magistrate, and in like manner summonses issued by the Courts of the Cantonment may be sent for service by the Courts of the Gaekwar.

In the matter of these processes the Cantonment Magistrate is authorized to hold direct correspondence with the local Baroda officials as has hitherto been customary.

[*Gazette of India*, 1890, Pt. II, p. 722.]

CHAPTER III.

CENTRAL INDIA.

The Central India Agency under the Agent to the Governor-General in Central India comprises seven subordinate Political Agencies entrusted with the immediate political charge of the States, Chiefships and guaranteed Estates named in the list below.¹ In all these areas the Political authorities possess jurisdiction in criminal matters in respect of British subjects Europeans and Americans, and Government servants. And in certain States as noted in the list, they exercise further residuary jurisdiction which, in the case of all Chiefships² and Estates,² unless noted to the contrary, extends to the trial of all heinous offences by whomsoever committed and in some Estates to the hearing of civil suits and appeals, except where the Suzerain State exercises jurisdiction in the unguaranteed portion of an Estate.

Agency.	States, Chiefships and Estates.
Gwalior Residency .	Gwalior (except the Amjhera district and the Gangpur ⁴ pargana) Khaniadhana. ³ <i>Agra Barkhera</i> <i>Khanda.</i> <i>Bhadaura</i> <i>Lalgark.</i> <i>Dharnaunda</i> <i>Narwar.</i> <i>Garha</i> <i>Parone</i> <i>Kalukhera</i> <i>Patharia.</i> <i>Karanda</i> <i>Raghugarh.</i> <i>Kathaun</i> <i>Sirsi.</i> <i>Kheri Rajpura</i> <i>Tappa.</i> <i>Umri.</i>
Indore Residency .	Indore (except the Alampur, Chikalda, Lawani, Nandwai, ⁴ Pithlawad, and Sundarsi ⁵ parganas). <i>Hirapur.</i>
Baghelkhand Agency	Rewa.
Sanad States ⁴ .	Bairaunda . Kalinjar Choube Jagirs, Jaso <i>viz</i> , Bhaisaunda Kothi Kamta Rajaula. Maibar Pahra. Nagod Paldeo. Sohawal Taraon.
Bhopal Agency .	Bhopal Indore (Sundarsi pargana). Kurwai ³ Muhammadgarh. ³

¹ Only jurisdictional States, Chiefships and Estates are included in this list. Of the other mediatized Chiefs mentioned in Aitchison's Treaties, 4th Ed., Vol. IV, the Estates of Bhatkheri, Kamalpur, Maksudangarh, and Suthalia have lapsed to their Suzerain States. The remainder are guaranteed only in the possession of *tankas* (money payments) and the jurisdiction in their lands vests in the States in which they are situated.

² Printed in italics. This classification is for purposes of jurisdiction and does not indicate relative importance between Chiefships and States.

³ The Political Agent exercises jurisdiction in heinous offences.

⁴ In the Mewar Residency

⁵ The Sundarsi pargana belongs to Gwalior, Indore and Dhar, and is in the Gwalior Residency.

Agency.	States, Chiefships and Estates.
Bhopal Agency—(continued).	Pindara Jagirs, ¹ viz., Dugri, Jabua Bhil and Jabu, Khajuri, Piphanagai. <i>Basoda</i> <i>Dara Kheri</i> ² <i>Khilchipur</i> <i>Dhabla Dhir</i> <i>Narsingharh</i> ² <i>and Kakarkheri.</i> ³ <i>Pathari</i> <i>Dhabla Ghosi.</i> ⁴ <i>Rajghar.</i> ² <i>Sadankheri</i> ³
Bhopawar Agency	Dhar ⁴ (except Sundasi pargana) Gwalior (Amjheia district) Indore (Chikalda and Pitlawad parganas). Ali Rajpur ⁵ Jhibna ⁵ Kathiwara ⁵ Bawani ⁵ Jobat ⁵ Mathwar ⁶ <i>Bakhtgarh</i> ⁷ <i>Kachhi Baroda</i> <i>Dotia</i> ⁷ <i>Multhan</i> ⁷ ⁸ [<i>Barudpura</i> <i>Kothide.</i> <i>Chota Barkhera</i> <i>Mota Barkhera.</i> <i>Garhi</i> <i>Nimkhera.</i> <i>Jamua</i> <i>Ruggai h</i>] <i>Kali Baori.</i>
Bundelkhand Agency .	Datia. Indore (Alampur pargana). Oichha Samthar Sanad States ⁶ and Ajajgarh Jagirs Alipura <i>Hasht Bhaira Jagirs,</i> <i>viz., Banka Pahari.</i> Baoni <i>Bijna</i> Ber <i>Dhurwai</i> Bihat <i>Tori Fatehpur.</i> Bijawar <i>Jigni</i> Charkhari <i>Lughasi.</i> Chhatarpur <i>Naigawan Ribai</i> Gairauli <i>Panna.</i> Gaurihar <i>Sarila Bilheri</i> ¹⁰

¹ The Political Agent exercises jurisdiction in all cases, civil and criminal.

² The present Chief has been specially empowered to dispose of all cases arising in his State (unless any of the accused are of European or American nationality) subject to confirmation by the Agent to the Governor-General of sentences of death, transportation, or imprisonment for life.

³ The Political Agent at present exercises jurisdiction in all cases.

⁴ Sentences of death passed by the Chief require confirmation by the Agent to the Governor-General.

⁵ All heinous offences are reported to the Political Agent, who ordinarily tries murder and other cases of exceptional importance in his own Court, but has a discretionary power of making over cases to the Darbar for trial. All sentences of death require confirmation by the Agent to the Governor-General.

⁶ Jurisdiction is exercised by the Political Agent in most cases.

⁷ Jurisdiction in these guaranteed Estates vests in the Dhar State, but subordinate powers are delegated by it to the Thakurs under an arrangement approved by the Agent to the Governor-General in 1895 in accordance with the principles laid down by Government.

⁸ Jurisdiction in the Estates of these nine guaranteed Bhumias vests in the Dhar State, but subordinate powers are delegated by it to the Bhumias.

⁹ The Political Agent exercises jurisdiction in all cases punishable with death, transportation or imprisonment for life, unless a Chief has been invested with special powers. Such powers have been conferred on the present Chiefs of Ajajgarh, Bijawar, Charkhari and Chhatarpur, who are personally invested with plenary jurisdiction subject to confirmation by the Agent to the Governor-General of sentences of death and to periodical report of sentences of transportation and imprisonment for life.

¹⁰ The Political Agent exercises jurisdiction in serious cases, and hears appeals in all cases. He also has the power to withdraw any special case from the Court at Bilheri.

Agency.	States, Chiefships and Estates
Malwa Agency	Dewas (Senior). Jaora. ¹
	Dewas (Junior).
	<i>Ratlam.</i> ²
	<i>Sarhana</i> ²
	<i>Sitamau</i> ²
	<i>Bagli</i> ³
	<i>Bhojokheri</i> ⁴
	<i>Bilaud</i>
	<i>Borkhera (Jaora).</i>
	<i>Kherwasa</i>
	<i>Khojankhera.</i>
	<i>Patihara</i>
	<i>Piploda</i> ⁵
	<i>Sadakheri</i>
	<i>Sarwan</i>
	<i>Shajasta.</i>
	<i>Sipri</i>
	<i>Sirsi.</i>
	<i>Tal</i>
	<i>Um.</i>
	<i>Uparawara.</i>

The following ⁶ Administered Areas in Central India are subject to British jurisdiction, *viz.* :—

Mhow
Nimach
Nowgong } Military Cantonments.

Indore Residency Bazzars,
Sehore Cantonment
Civil lines of Nowgong } Civil Stations and the respective Head-quarters of the Central India Agency and the Indore Residency, the Bhopal Agency and the Bundelkhand Agency.

Agar
Guna } Military Stations

Gwalior
Sutna } Head-quarters of the Gwalior Residency and the Baghelkhand Agency, respectively.

The railway lands in Central India which are subject to British jurisdiction are included in the Eastern and North Central Divisions of Railways enumerated in Volume V.

¹ Sentences of death passed by the Chief require confirmation by the Agent to the Governor-General

² Sentences of death, transportation or imprisonment for life passed by the Chief require confirmation by the Agent to the Governor-General.

³ In the guaranteed portion of the Estate, the Thakur possesses powers of a District Magistrate, and the Political Agent all higher powers. In the unguaranteed portion of the Estate (except during a minority) jurisdiction vests in the Gwalior Durbar subject to delegation of certain powers to the Thakur

⁴ The guaranteed portion of the Estate lies in the Jhalawar State, Rajputana.

⁵ Not to be confused with Panth Piploda, which is British territory held by the Thakur of Piploda and Sarwan (above mentioned) and Chapaner, Gudaikhera and Mandawal.

⁶ The Cantonments of Morar, Sipri, and Sindarpur and the Umaria coalfields have ceased to be Administered Areas, jurisdiction having been restored to the States in which they are situated.

NATIVE STATES IN CENTRAL INDIA.

The following British Enactments are in force in the Native States in Central India :—

I.—Statutes.—*See* Appendix I.

II.—Acts of the Governor-General in Council.—*See* Appendix II.

III.—Orders under Statutes.

28 Vict, C. 15.

No. 853-I.B, dated the 16th April 1913.—Printed in Appendix IV.

53 and 54
Vict, C. 37.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix III.

IV.—Orders under Acts of the Governor-General in Council.

Indian Evidence
Act, 1872.

Officers of the
Indore State em-
powered to certify
documents.

No. 2057-I B, dated the 23rd May 1906.—With reference to the provisions of section 79 of the Indian Evidence Act, 1872 (I of 1872), the Governor-General in Council is pleased hereby to declare that the following officers in the Native State of Indore are duly authorised to certify documents for the purposes of the said section, namely :

(a) All District Judges.

(b) All District Magistrates.

[*Gazette of India*, 1906, Pt. I, p. 347.]

Indian Christian
Marriage Act, 1872.

Political Officers
appointed Marriage
Registrars and
licensed to grant
certificates of
Marriage between
Native Christians.

Cantonment Magis-
trate, Nowgong,
similarly appointed
and licensed for the
Bundelkhand
Agency.

Certificates of
Marriage Registrars
to be sent to the
Agent to the Gover-
nor-General.

Delegation to the
Agent to the Gover-
nor-General of
powers under sections
6, 8 and 9.

Fees and rules.

No. 1105-I.B, dated the 16th May 1912.—Printed in Appendix V.

No. 1069-B., dated the 16th July 1907.—Printed in Appendix V.

No. 1312, dated the 11th June 1873.—Printed in Appendix V.

No. 3744-I.B, dated the 1st October 1897.—Printed in Appendix V.

No. 1586-E., dated the 29th August 1892.—Printed in Appendix V.

No. 855-I.B, dated the 16th April 1913.—Printed in Appendix VI.

No. 3542-I., dated the 27th August 1891.—Printed in Appendix VI.

No. 3918-I, dated the 23rd September 1891.—Under the provisions of section 1 of the European Vagrancy Act (IX of 1874), the Governor-General in Council is pleased to declare that the provisions of sections 4 to 9 (both inclusive) and of sections 19, 20, 24 and 29 of the said Act shall come into force from the date of this notification in the dominions of the Princes and States comprised in the Central India Agency.

[*Gazette of India*, 1891, Pt. I, p. 552]

No. 3102, dated the 16th August 1909.—Printed in Appendix XVII.

(The Indian Arms Rules, 1909.)

No. 4135-I., dated the 16th September 1887.—Printed in Appendix VII

No. 1103-I.B, dated the 16th May 1912.—Printed in Appendix VIII

No. 1173, dated the 19th July 1888.—Printed in Appendix VIII

Administrator
General's Act, 1874.

States of Central
India, included in
the Presidencies of
Bengal and Bombay
for purposes of the
Act.

Exercise of the
powers and duties
of a District Judge
under the Act in
Central India.

European Va-
grancy Act, 1874.

Provisions brought
into force from the
23rd September
1891

Indian Arms Act,
1878.

Exemption of cer-
tain persons in
Native States from
the prohibitions and
directions contained
in the Act.
Rules regarding
the export of arms
and ammunition from
and their import into,
British India.

Indian Income Tax
Act, 1886.

Officers invested with
certain powers of a
Collector under the
Act.

Births, Deaths and
Marriages registra-
tion Act, 1886.

Appointment of—
(a) Officers to be
Registrars of
Births and
Deaths.
(b) Registrar-
General for
the Central
Provinces to
be Registrar-
General for
Central India

Fees and Rules

Indian Foreign
Marriage Act, 1903.
Fees.

No. 341, dated the 11th August 1904.—Printed *supra* page 5.

Indian Extradition
Act, 1903.

Political Agents
authorized to grant
extradition for an
act against the law of
a State which would
constitute an offence
under the Criminal
Tribes Act, 1871, in
British India.

No. 3361-I A, dated the 23rd December 1898.—Printed in Appendix IX.

Rules under the Act,
except in areas in
Native States under
British jurisdiction

No. 1862-I.A, dated the 13th May 1904.—Printed in Appendix IX.

Indian Universities
Act, 1904.

Inclusion of Cen-
tral India in the
territorial limits of
the Allahabad Uni-
versity.

No. 717, dated the 20th August 1904—Printed in Appendix X.

Indian Army Act,
1911.

Provisions applied
to the Malwa Bhil
Corps.

No. 2705-I.A, dated the 28th December 1911.—In exercise of the power conferred by section 5 (1) of the Indian Army Act, 1911 (VIII of 1911), the Governor-General in Council is pleased to apply to the Malwa Bhil Corps, with effect from the 1st January 1912, the provisions of the said Act with the exception of section 6, section 12 (2), so far as it relates to general service, and of sections 18, 23, 24, clause (3) of 53, 57, 58, 59, 60, 61, 62, 63, 77, 78, 79, 80, 81, 87, 98 and 121.

* * * * *

[*Gazette of India*, 1911, Pt I, p. 1193.]

Powers to be exer-
cised by the Gover-
nor-General in
Council, the Agent
to the Governor-
General, and the
latter's First Assis-
tant.

No. 2706-I A, dated the 28th December 1911.—In exercise of the power conferred by section 5 (2) of the Indian Army Act, 1911 (VIII of 1911), the Governor-General in Council is pleased to direct that in maintaining discipline over the Malwa Bhil Corps, as reconstituted under the notification² of the Government of India in the Army Department, No 415, dated the 22nd May 1908, the jurisdiction, powers, and duties of a district court martial and of officer commanding the district or brigade shall be exercised or performed

¹ Notification cancelled.

² *Gazette of India*, 1908, Pt. I, page 462.

by the First Assistant to the Agent to the Governor-General in Central India, of a general court martial or the General Officer of the Army or Division by the Agent to the Governor-General in Central India, and of the Commander-in-Chief in India by the Governor-General in Council.

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[*Gazette of India*, 1911, Pt. I, p. 1193]

¹ Notification cancelled.

V.—Orders relating to Courts.

British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India

No. 1431-I., dated the 27th April 1893.—Printed in Appendix XIII.

Criminal law and procedure of British India applicable to British subjects in Native States.

No. 1863-I.A., dated the 13th May 1904.—Printed in Appendix IV.

Jurisdiction of the High Courts at Bombay and Allahabad over European British subjects in States of Central India.

No. 853-I.B., dated the 16th April 1913.—Printed in Appendix IV.

Justices of the Peace to commit for trial to the High Court having jurisdiction.

No. 2616-I., dated the 6th August 1890.—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class, and to hold inquests.

No. 680-I.B., dated the 19th March 1912 —Printed in Appendix IV.

Appointment of Political officers to be Justices of the Peace.

No. 2313-I., dated the 13th August 1883. } —Printed in Appendix IV.
No. 2760-I., dated the 18th September 1883. }

Officer Commanding at Agar invested with powers of Magistrate of the 2nd class in his political charge.

No. 366-I.B., dated the 29th January 1897.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879),¹ and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to direct that the Officer for the time being Commanding the Regiment of Central India Horse at Agar shall exercise, within the territory included in a radius of five miles from the Cantonment of Agar (in all cases in which such powers may lawfully be exercised by the Governor-General in Council within that area), the powers of a Magistrate of the second class, as described in the Code of Criminal Procedure, 1882.²

[*Gazette of India*, 1897, Pt. I, p. 61.]

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix III.

² See now the Code of Criminal Procedure, 1898 (Act V of 1898) Printed General Acts, Vol V, Ed. 1909, page 14.

No 367-I.B, dated the 29th January 1897.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879)¹, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to direct that the Officer for the time being commanding the Regiment of Central India Horse at Guna shall exercise, within the territory included in a radius of five miles from the Cantonment of Guna (in all cases in which such powers may lawfully be exercised by the Governor-General in Council within that area), the powers of a Magistrate of the second class as defined in the Code of Criminal Procedure 1882²: provided that nothing herein contained shall be deemed to apply to lands which are, or may hereafter be, occupied by railways.

Officer Commanding at Guna invested with powers of Magistrate of the 2nd class in his political charge.

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[*Gazette of India*, 1897, Pt I, p. 62.]

No. 1204-I.B, dated the 5th May 1898 —In continuation of the notification of the Government of India in the Foreign Department, No. 366-I.B,³ dated the 29th January 1897, the Governor-General in Council is pleased to direct that the Officer for the time being Commanding the Regiment of Central India Horse at Agar shall exercise, within the territory specified in the said notification, the additional powers mentioned in Schedule IV to the Criminal Procedure Code, 1882,² with which a Magistrate of the second class may be invested by the Local Government

Officer Commanding at Agar invested with additional powers.

[*Gazette of India*, 1898, Pt I, p. 431.]

No. 1205-I.B, dated the 5th May 1898 —In continuation of the notification of the Government of India in the Foreign Department, No. 367-I B, dated the 29th January 1897, the Governor-General in Council is pleased to direct that the Officer for the time being Commanding the Regiment of Central India Horse at Guna shall exercise within the territory specified in the said notification, the additional powers mentioned in Schedule IV to the Criminal Procedure Code, 1882,² with which a Magistrate of the second class may be invested by the Local Government.

Officer Commanding at Guna invested with additional powers.

[*Gazette of India*, 1898, Pt. I, p. 431.]

No. 2382-I.B, dated the 16th November 1912.—Whereas the Governor-General in Council has in certain cases criminal jurisdiction in the States in Central India :

Criminal jurisdiction of Political officers in their political charges, excluding the Administered Areas and railway lands in which jurisdiction is exercised by the Governor-General in Council.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

² See now the Code of Criminal Procedure, 1898 (Act V of 1898). Printed General Acts, Vol V, Ed 1909, p. 14.

³ Printed *supra* p 100.

the Foreign Department, No 2133-I.B, dated the 31st May 1901; the Governor-General in Council is pleased to issue the following orders with respect to such cases.—

1. Every Resident and Political Agent accredited to a State in Central India shall exercise, in respect of such cases occurring within the limits of the said State, the powers of a District Magistrate and those of a Court of Session as described in the Code of Criminal Procedure, 1898.

2. In the exercise of the jurisdiction of a Court of Session conferred on him by these orders, a Resident or Political Agent at his discretion—

(a) may take cognizance of any offence as a Court of original criminal jurisdiction without the accused being committed to him by a Magistrate, and, if so, shall follow the procedure laid down by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates; and

(b) in other cases may direct that the trial shall be without jury or aid of assessors

3. The Agent to the Governor-General in Central India shall exercise the powers of a High Court as described in the Code of Criminal Procedure, 1898, in respect of all offences over which a Resident or Political Agent exercises the jurisdiction conferred by these orders, and for the purposes of all other criminal proceedings in connection with such cases. Provided that a person convicted on a trial held by a Resident or Political Agent in the exercise of the powers of a District Magistrate may appeal to the Agent to the Governor-General within thirty days from the date of the conviction.

4. These orders apply to all proceedings except proceedings against European British subjects or persons jointly charged with European British subjects; but nothing therein shall be deemed to extend to the Administered Areas in Central India or to any railway lands in Central India over which jurisdiction is exercised by the Governor-General in Council.

[*Gazette of India*, 1912, Pt. I, p. 1590.]

Cantonment
Magistrate, Now-
gong, invested with
powers of a Magis-
trate of the 1st class
in the Bundelkhand
Agency excluding
the railway lands
therein and Nowgong
Cantonment.

No. 3381-I.B, dated the 18th August 1905.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to order that within the limits of the Bundelkhand Political Agency, the Cantonment Magistrate of Nowgong, being an Assistant to the Political Agent in Bundelkhand, shall in all cases in which such powers may be lawfully exercised by the Governor-General in Council within such limits exercise the powers of a Magistrate of the first class

as described in the Code of Criminal Procedure, 1895 (Act V of 1895): provided that the said Cantonment Magistrate shall not commit any accused person for trial to the Political Agent in Bundelkhand acting as a Court of Session within the limits of the said Agency.

2 All criminal powers which may, before the date of this notification, have been exercised by the said Cantonment Magistrate within such limits shall, so far as they are consistent with this notification, be deemed to have been exercised in accordance with law.

3 The provisions of this notification shall apply to all criminal proceedings, except proceedings against European British subjects, or persons jointly charged with European British subjects.

4. Nothing in this notification shall be deemed to extend to the Cantonment of Nowgong, or to any railway lands situate within the Bundelkhand Political Agency.

[*Gazette of India*, 1905, Pt I, p. 596.]

No 4302-I B, dated the 11th December 1908.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in supersession of the notification of the Government of India in the Foreign Department, No 2194-I B, dated the 29th May 1908, the Governor-General in Council is pleased to order that the officer holding for the time being at Guna the post of the Native Assistant to the Resident at Gwalior shall exercise the powers of a District Magistrate, as defined in the Code of Criminal Procedure (Act V of 1895) and also the special power defined in section 30 of the said Code, within the limits of the marginally noted States

Agra, Bankhera, Bhadaura, Dharnaoda¹ and Estates in the Gwalior Agency, in all cases in which such powers may be lawfully exercised by the Governor-General in Council within such limits.

Garha, Kaniadhana, Kathaun, [Khiauda],
Parone, Raghogarh, Sirsi and Umri

2. The provisions of this notification shall apply to all criminal proceedings, except proceedings against European British subjects or persons jointly charged with European British subjects.

[*Gazette of India*, 1908, Pt. I, p. 1080]

No 4404-I.B, dated the 22nd December 1908.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to order that the Assistant to the Agent to the Governor-General in Central India who is for the time

Assistant to the Resident, Gwalior, invested with power of Magistrate of the 1st class in the Gwalior Residency, except railways

¹Added by notification No. 512-I.B, dated the 10th March 1909. *Gazette of India*, 1909, Pt. I, p. 200.

being deputed as Assistant to the Resident at Gwalior, shall exercise the powers of a Magistrate of the 1st class, as defined in the Code of Criminal Procedure, 1898 (V of 1898), with special powers under section 260 of the Code, within the limits of the Gwalior Agency, including the mediatised Thakurates situated in that Agency, in all cases in which such powers may be exercised by the Governor-General in Council.

2. The provisions of this notification shall apply to all criminal proceedings, except proceedings against European British subjects, or persons jointly charged with European British subjects

3. Nothing in this notification shall be deemed to extend to any railway lands situate within the said limits.

[*Gazette of India*, 1908, Pt. I, p. 1124.]

Payment of expenses of complainants and witnesses in the Criminal Courts of the Central India Agency.

No. 1626-I.B, dated the 16th June 1899—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879),¹ and of all other powers enabling him in this behalf the Governor-General in Council is pleased to make the following rules to regulate the payment of the expenses of complainants and witnesses attending any Criminal Court established by the Governor-General in Council in Central India or Rajputana for the purposes of any inquiry, trial or other proceeding under the Code of Criminal Procedure, 1898 (Act V of 1898), as applied :—

1. Such Courts are authorised to pay the expenses of complainants and witnesses attending before them—

Firstly,—in cases in which the prosecution is instituted, or carried on by or under the orders of, or with the sanction of the British Government, or of any British Judge, or Magistrate ;

Secondly,—when the witness concerned is compelled by the Court to attend under the provisions of section 540 of the said Code as applied ; and

Thirdly,—in any other case in which the officer presiding over the Court considers that in the interests of public justice such payment should be made.

2. Such payment shall be made at the following rates :

- (a) to Natives of the ordinary labouring class, 2 annas a day ;
- (b) to Natives of a higher class, 4 annas a day ;

¹See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

- (c) to Europeans and Eurasians and Natives of superior rank, such allowance not exceeding R3 a day as the Court may deem suitable, provided that in special cases the Court shall have discretion to fix a higher rate.

3. Travelling expenses may also be paid at the following rates when the person concerned cannot, by reason of age, position or habits of life, be expected to attend the Court on foot, or when the journey cannot be so performed with reasonable ease and expedition :

- (a) when the journey is by road, the actual expenses incurred up to a maximum of 4 annas a mile ;

- (b) where the journey is wholly or partly by rail—

(1) for Natives generally, railway fare by the lowest class :

(2) for Europeans, Eurasians and Natives of superior rank, second class railway fare ; but the Court may, at its discretion, award first class fare when the persons concerned would ordinarily travel by the first class.

4. Notwithstanding anything in the above rules—

- (a) Government servants shall be entitled only to travelling allowance according to the rates admissible under the Civil Service Regulations.

- (b) Witnesses following a profession may be granted allowances not exceeding R5 a day at the discretion of the Court ; and when they have to travel a distance exceeding 5 miles, they may also be granted their actual expenses for conveyance (not exceeding 8 annas a mile) or first class railway fare.

5. The number of days to be allowed for the journey to and from the Court shall be determined by the Court in each case.

6. A Medical Officer, other than a Civil Surgeon or an officer in medical charge of a civil station, summoned to give evidence touching the result of a

Resolution of the Government of India in the Department of Finance and Commerce, No. 3050, dated the 11th August 1882.

post mortem or other examination conducted by him, shall be entitled only to the usual expenses paid to a witness.

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[*Gazette of India*, 1899, Pt. I, p. 472.]

¹ Notifications cancelled.

Lists of Courts established or continued by the Governor-General in Council.

No. 786-I.B.,
No. 787-I B., } *dated the 9th April 1913*—Printed in Appendix XII-A.
No 788-I B.,

Service of summonses of Civil or Revenue Courts of States in Central India—

(a) by Courts established or continued by the Governor-General in Council.

No. 1368-I., dated the 29th March 1889.—Printed in Appendix XII-A.

(b) by Courts in British India.

No. 663-I.B., dated the 15th March 1912.—Printed in Appendix XII-B.

Service by Courts of States in Central India of summonses of Courts in British India.

No. 663-I.B., dated the 15th March 1912.—Printed in Appendix XII-B.

VI.—Local Laws.¹

No. 481-I B, dated the 3rd February 1905—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to authorise the reception and detention in the Lunatic Asylums at Nagpur and Jubbulpore, respectively, in the Central Provinces, of such lunatics from the Native States in the Central India Agency as may be sent thereto by order of the Agent to the Governor-General in Central India

Reception in the Asylums at Nagpur and Jubbulpore of lunatics from States in Central India.

[*Gazette of India*, 1905, Pt. I, p. 66.]

No. 114-I.A, dated the 19th January 1911.—In exercise of the power conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to authorise the Agent to the Governor-General in Central India to sanction the release from the Lunatic Asylums at Nagpur and Jubbulpore, respectively, in the Central Provinces, of such lunatics from the Native States in the Central India Agency as may have been sent thereto by his order.

Release from the Asylums at Nagpur and Jubbulpore of lunatics from States in Central India

[*Gazette of India*, 1911, Pt. I, p. 41.]

¹ For other Local Laws made under the Indian (Foreign Jurisdiction) Order in Council, 1902, see Orders relating to Courts p. 100 *supra*

ADMINISTERED AREAS IN CENTRAL INDIA.

The following British Enactments are in force in the Administered Areas in Central India.—

I.—Statutes—*See* Appendix I.

II.—Acts of the Governor-General in Council, 1902—*See* Appendix III.

28, Vict, C. 15.

III.—Orders under Statutes.

No. 853-I.B., dated the 16th April 1913—Printed in Appendix IV.

53 and 54 Vict,
C. 37.

The Indian (Foreign Jurisdiction) Order in Council, 1902—*See* Appendix III.

IV.—Orders under Acts of the Governor-General in Council.

The orders cited above¹ as in force in the Native States in Central India operate to the same extent in each Administered Area as in the State in which the Area is situated with the exception of the orders under the Indian Extradition Act, 1903, which do not apply in any Administered Area.

The following Orders are, also, in force in respect of the Administered Areas.

Presidency Banks
Act, 1876.

Establishment of a
branch of the Bank
of Bombay in the
Indore Residency
Bazars.

No. 136-A., dated the 7th January 1907.—It is hereby notified in pursuance of section 42 of the Presidency Banks Act, 1876 (XI of 1876), that the Governor General in Council has consented to the establishment by the Directors of the Bank of Bombay of a branch of the said Bank at Indore, Central India.

[*Gazette of India*, 1907, Pt. I, p. 25.]

Indian Stamp Act,
1899.

Remission of duty
in British India on
instruments executed
in Administered
Areas in Central
India on which the
stamp duty charge-
able there has been
paid.

² *No. 3616-Exc., dated the 16th July 1909.*—In exercise of the powers conferred by section 9, clause (a), of the Indian Stamp Act, 1899 (II of 1899) — the Governor-General in Council is pleased — to remit the duties* chargeable in respect of instruments of the * classes hereinafter described :—

* * * *

81. Instrument executed in the areas mentioned in the schedule hereto attached in respect of which the stamp duty with which it is chargeable, under the stamp law for the time being in force in the said areas, has been paid in accordance with the said law.

¹Pages 96—99 *supra*.

² For notifications securing similar remissions in Administered Areas under British jurisdiction *cf.* Volume II, page 111 and corresponding notifications in Volumes III and IV.

SCHEDULE.

3. The Cantonments of Mhow, Neemuch, Nowgong (including the Civil lines) ¹[and Sehore] in the Central India Agency * *.

4. The Indore Residency Bazaars.

[*Gazette of India*, 1909, Pt. I, p. 597].

Indian Lunacy
Act, 1912.

In exercise of the power conferred by ² section 17A of the Indian Lunatic Asylums Act, 1858 (XXXVI of 1858), as amended by subsequent enactments, the Governor-General in Council is pleased to appoint the lunatic asylums at Nagpur and Jubbulpore in the Central Provinces to be asylums to which any Magistrate or Judge exercising jurisdiction in the British Cantonments and Residency and railway lands within the Central India Agency may send lunatics.

Reception in the
asylums at Nagpur
and Jubbulpore of
lunatics from British
Cantonments and
Residency and rail-
way lands in Central
India.

[*Letter of the Government of India*, No. 241, dated the 8th March 1905.]

V.—Acts locally applied—*See* pages 110 to 123 *infra*.

VI.—Orders relating to Courts. }
VII.—Local Laws. } Printed separately *infra* under the
heading of the Area or group of
Areas to which they relate.

VIII.—Orders under Acts locally }
applied. } Printed separately in Volume II,
IX.—Orders under Local Laws. } Chapter III, under the heading
of the Area or group of Areas
to which they relate.

¹Substituted by notification No 246-F., dated the 28th February 1913. *Gazette of India*, 1913, Pt 1, page 169.

²*See now* sections 98 and 99 of Indian Lunacy Act, 1912, as applied. *Infra* p. 122.

V.—Acts locally applied.

No 2365-I.B., dated the 14th November 1912.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and to provide for the administration of the Cantonments of Mhow, Nimach, Nowgong, Sehore, Agar and Guna, the Indore Residency Bazars, the Gwalior Residency Area, the Sutna Agency and the Civil Lines of Nowgong (hereinafter styled the “Administered Areas in Central India”), the Governor-General in Council is pleased to apply the enactments specified in the first column of the first schedule hereto annexed to such of the said Administered Areas as are specified in the corresponding entries in the second column thereof, in so far as the same may be applicable thereto and subject to any amendments to which the enactments are for the time being subject in British India.

Provided, first, that in the enactments as so applied references to a Local Government or the Chief Controlling Revenue Authority shall be read as referring to the Agent to the Governor-General in Central India; references to a Secretary to a Local Government as referring to the First Assistant to the Agent to the Governor-General in Central India; references to a High Court as referring to the Court of the Agent to the Governor-General in Central India; and, except where the context or the modifications hereinafter referred to otherwise require, references to British India or to the territories subject to or administered by a Local Government as referring to the Administered Area or Areas to which the enactment, wherein the expression occurs, has been applied.

Provided, secondly, that the further modifications and restrictions set forth in the said schedule shall be made in the enactments as so applied.

Provided, thirdly, that for the purposes of facilitating the application of the said enactments any Court in any Area to which the same may have been applied may construe the provisions thereof and any notifications, orders, rules, forms or bye-laws thereunder, with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before the Court.

Provided, fourthly, that subject to the provisions of this notification, the Agent to the Governor-General in Central India may direct by what officer any authority or power under the said enactments shall be exerciseable.

II The notifications of the Government of India in the Foreign Department mentioned in the second schedule hereto annexed are hereby cancelled to the extent noted against each.

Provided that all civil and criminal proceedings pending at the date of this notification shall be carried on as if this notification had not been issued,

but that, save as aforesaid, all proceedings commenced, officers appointed or authorized, jurisdictions or powers conferred or confirmed, notifications published, rules or bye-laws made, orders passed and things done under any of the enactments specified in the notifications hereby superseded in the said Administered Areas shall be, as far as may be, deemed to have been respectively commenced, appointed or authorized, conferred or confirmed, published, made, passed and done, under the corresponding enactments specified in this notification.

FIRST SCHEDULE.

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
1. The Judicial Officers Protection Act, 1850 (XVIII of 1850).	All Administered Areas in Central India.	.....
2. The Workman's Breach of Contract Act, 1859 (XIII of 1859).	The Cantonments of Mhow Nimach and Nowgong.	(1) The preamble and section 5 shall be omitted. (2) In section 1 for the words "any Presidency-town" the words "the Cantonments of Mhow, Nimach or Nowgong" shall be substituted (3) References to "a Magistrate of Police" and "the Magistrate" shall be read as referring to "the Cantonment Magistrate"
3. The Indian Penal Code (Act XLV of 1860).	All Administered Areas in Central India.	In section 75 the words "British India" shall be read as referring to British India and the Administered Areas in Central India.
4. The Police Act, 1861 (V of 1861).	All Administered Areas in Central India.	(1) References to an Inspector-General, Deputy Inspector-General, Assistant Inspector-General, or District Superintendent of Police shall be read as referring to the Superintendent of Police; references to an Assistant District Superintendent of Police as referring to the Assistant Superintendent of Police, and references to a general police district as referring to the combined Administered Areas (2) In section 1, for the first paragraph the following shall be substituted — "The words 'Magistrate of the district' shall mean the officer exercising within the Area in question the powers of a District Magistrate as described in the Code of Criminal Procedure, 1898"

FIRST SCHEDULE—*contd.*

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
		<p>The fourth and fifth paragraphs shall be omitted</p> <p>(3) In section 4 the words from "and in such" to "seem fit," and the third paragraph shall be omitted, and for the words from "a District" to "consider necessary" the words "the Superintendent and the Assistant Superintendent of Police" shall be substituted.</p> <p>(4) Section 5 shall be omitted.</p> <p>(5) In section 34¹ the words from "within the limits" to "Local Government" shall be omitted.</p> <p>(6) In section 42, for the first paragraph the following shall be substituted.—</p> <p>"Notice in writing of all actions and prosecutions against any person which may be lawfully brought for any thing done or intended to be done under the provisions of this Act, or under the general police-powers hereby given and of the cause thereof shall be given to the defendant or to the Superintendent or the Assistant Superintendent of Police one month at least before the commencement of the action: and all such prosecutions shall be commenced within three months after the act complained of shall have been committed, and not otherwise."</p>
5. The Indian Succession Act, 1865 (X of 1865).	The Cantonments of Mhow, Nimach, Nowgong and Sehoie, the Indore Residency Bazaars and the Civil Lines of Nowgong.	In section 3, the definition of "British India" and in the definition of "High Court" the word 'therein' shall be omitted.
6. The Public Gambling Act, 1867 (III of 1867).	The Cantonments of Mhow, Nimach, Nowgong and Sehoie, the Indore Residency Bazaars and the Civil Lines of Nowgong.	<p>(1) The preamble, the first two paragraphs of section 1, and section 2 shall be omitted</p> <p>(2) In section 5 for the words "Lieutenant-Governor or Chief Commissioner" and in section 17 for the words "Lieutenant-Governor or the Chief Commissioner as the case may be" the words "Agent to the Governor-General in Central India" shall be substituted.</p>

¹ For the suspension of the *second* clause of section 34 in the Cantonments of Mhow, Nimach and Nowgong and the Civil Lines of Nowgong, see notification No 8512, dated the 7th August 1900. Printed Vol. II, p. 167.

FIRST SCHEDULE—*contd*

Enactments appld.	Areas to which applied.	Further modifications and restrictions
7. The Court-fees Act, 1870 (VII of 1870).	The Cantonments of Mhow, Nimach, Nowgong, and Sehore, the Indore Residency Bazaars and the Civil Lines of Nowgong.	
8. The Cattle-trespass Act, 1871 (I of 1871)	The Cantonments of Mhow, Nimach, Nowgong and Sehore, the Indore Residency Bazaars and the Civil Lines of Nowgong	
9. The Indian Evidence Act, 1872 (I of 1872)	All Administered Areas in Central India	In sections 57, 74, 78 and 79, the words "British India" shall be read as referring to British India, the Administered Areas in Central India, and Areas outside British India under the administration of the Governor-General in Council.
10. The Indian Contract Act, 1872 (IX of 1872)	The Cantonments of Mhow, Nimach, Nowgong and Sehore, the Indore Residency Bazaars and the Civil Lines of Nowgong	
11. The Indian Oaths Act, 1873 (X of 1873)	All Administered Areas in Central India	
12. The Specific Relief Act, 1877 (I of 1877)	The Cantonments of Mhow, Nimach and Nowgong	
13. The Indian Arms Act, 1878 (XI of 1878).	The Cantonments of Mhow, Nimach, Nowgong, Sehore, Agar and Guna, the Indore Residency Bazaars and the Civil Lines of Nowgong	
14. The Hackney-carriage Act, 1879 (XIV of 1879)	The Cantonments of Mhow, Nimach and Nowgong and the Indore Residency Bazaars.	(1) In section 2 in the definition of "Hackney-carriage" after the word "passengers" the words "goods or materials" shall be added (2) For the purposes of this Act the Indore Residency Bazaars shall be deemed to be a cantonment.
15. The Vaccination Act, 1880 (XIII of 1880).	The Cantonments of Mhow, Nimach and Nowgong, and the Civil Lines of Nowgong.	(1) The second paragraph of section 1, and section 4 shall be omitted (2) For the purposes of this Act the Civil Lines of Nowgong shall be deemed to be a cantonment.

FIRST SCHEDULE—*contd.*

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
16. The Probate and Administration Act, 1881 (V of 1881).	The Cantonments of Mhow, Nimach, Nowgong and Sehore, the Indore Residency Bazaars and the Civil Lines of Nowgong.	
17. The Transfer of Property Act, 1882 (IV of 1882).	The Cantonments of Mhow, Nimach and Nowgong.	In section 52, the words "British India" shall be read as referring to British India and the Cantonments of Mhow, Nimach and Nowgong.
18. The Indian Telegraph Act, 1885 (XIII of 1885).	The Cantonments of Mhow, Nimach, Nowgong and Sehore, the Indore Residency Bazaars and the Civil Lines of Nowgong.	
19. The Indian Income-tax Act, 1886 (II of 1886).	The Cantonments of Mhow, Nimach and Nowgong.	(1) Throughout the Act, references to "The Commissioner" or "Commissioner of Division" or "the Commissioner of the Division" shall be read as referring to the Resident at Indore as regards the Cantonment of Mhow, to the Political Agent in Malwa as regards the Cantonment of Nimach, and to the Political Agent in Bundelkhand as regards the Cantonment of Nowgong. (2) In section 3, sub-section (5), the words from "and includes" to the end shall be omitted. (3) In sections 22 and 43, for the word "India" the words "the Cantonments of Mhow, Nimach and Nowgong" shall be substituted. (4) Section 47 and Article 2 of Part I of the second Schedule shall be omitted.
20. The Provincial Small Cause Courts Act, 1887 (IX of 1887).	The Cantonments of Mhow, Nimach, Nowgong and Sehore, the Indore Residency Bazaars and the Civil Lines of Nowgong.	(1) In section 2, sub-section (2), for the words and figures "Act No. XI of 1865 ... repealed by that Act" the words "any local law ¹ relating to Courts of Small Causes in the Cantonments of Mhow, Nimach and Nowgong, the Indore Residency Bazaars and the Civil Lines of Nowgong" shall be substituted.

¹ See notifications Nos. 1372-I. and 1373-I., dated the 29th March 1889, No. 5025-I., dated the 24th December 1891, and No. 725-I., dated the 21st February 1896, which were repealed by this notification. *Gazette of India*, Pt. I, 1889, p. 190; 1891, p. 704, and 1896, p. 117.

FIRST SCHEDULE—*contd*

Enactments applied.	Areas to which applied.	Further modifications and restrictions
		(2) For section 16 the following shall be substituted :— "16. If a suit is instituted in any other Court having jurisdiction within the local limits of the jurisdiction of a Court of Small Causes which in the opinion of the Judge who tries the same (whose opinion shall be final) ought to have been instituted in the Court of Small Causes, no costs shall be allowed to a successful plaintiff and a successful defendant shall be allowed his costs including such pleader's fees as the Court may direct"
21. The Police Act, 1888 (III of 1888).	All Administered Areas in Central India.	
22 The Succession Certificate Act, 1889 (VII of 1889).	The Cantonments of Mhow, Nimach and Nowgong, the Indore Residency Bazars and the Civil Lines of Nowgong.	For section 17 the following shall be substituted.— "17 Where a certificate in the form of the second schedule to this Act has been granted under the Succession Certificate Act, 1889, by a Court having jurisdiction under the Act in British India or under the Act as applied in any area outside British India which is under the administration of the Governor-General in Council, or where a certificate in the form, as nearly as circumstances admit, of the said schedule has been granted to a resident within a foreign State by the British representative accredited to the State, or where a certificate so granted has been extended in such form by such Court or by such representative, the certificate shall have the same effect as a certificate granted or extended under this Act."
23 The Revenue Recovery Act, 1890 (I of 1890).	All Administered Areas in Central India.	For section 8 the following shall be substituted — 8. The provisions of this Act shall apply equally to— (a) the recovery in the Administered Areas in Central India of any areas of land-revenue accruing, or sum recoverable as an arrear of land revenue and payable to a Collector or other

FIRST SCHEDULE—*contd.*

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
		public officer or to a local authority, in any part of British India or in any local area which is not part of British India but which is under the administration of the Governor-General in Council and to which the Revenue Recovery Act, 1890, has been applied, and (b) the demand for the recovery in British India or in any such local area of any such arrears accruing, or sum so recoverable and payable, in the said Administered Areas”
24. The Prevention of Cruelty to Animals Act, 1890 (XI of 1890)	All Administered Areas in Central India	
25. The Land Acquisition Act, 1894 (I of 1894).	The Cantonments of Mhow, Nimach and Nowgong.	In section 3 for clause (d) the following shall be substituted — (d) The expression “Court” means the Resident at Indore as regards the Cantonment of Mhow, the Political Agent in Malwa as regards the Cantonment of Nimach, and the Political Agent in Bundelkhand as regards the Cantonment of Nowgong.”
26. The Epidemic Diseases Act, 1897 (III of 1897).	All Administered Areas in Central India.	
27. The General Clauses Act, 1897 (X of 1897)	All Administered Areas in Central India.	In section 3, clause (7), the words “British India” shall remain unmodified, but in any other enactment, where this definition would otherwise apply, the words shall be read subject to the provisions of this notification.
28. The Code of Criminal Procedure, 1898 (V of 1898).	All Administered Areas in Central India.	(1) Sections 22 to 25 shall be omitted. (2) In section 30 the words from “In the territories” to “Assistant Commissioners” shall be omitted. (3) A Sessions Judge at his discretion— (a) may take cognizance of an offence without the accused person being committed to the Court of Session by a Magistrate and, if so, shall follow the procedure laid down by this Code for the trial of warrant cases by Magistrates, and

FIRST SCHEDULE—*contd.*

Enactments applied.	Areas to which applied	Further modifications and restrictions.
29. The Indian Post Office Act, 1898 (VI of 1898).	The Cantonments of Mhow, Nimach Nowgong and Sehore, the Indore Residency Bazais and the Civil Lines of Nowgong.	<p>(b) in other cases may direct that any trial before the Court of Session shall be without jury or aid of assessors</p> <p>(4) The powers prescribed by sections 401 and 402 shall be exercised only by the Governor-General in Council</p> <p>(5) A person convicted on a trial held by a District Magistrate, who is also the Sessions Judge, may appeal to the High Court, and in that case, notwithstanding anything in the Indian Limitation Act, 1908, as in force, the period of limitation for an appeal to the High Court shall be thirty days from the date of the conviction</p> <p>(6) In section 503, sub-section (1) after the words "such attendance and" the words "if such witness resides in any area to which this Code applies or in British India" shall be inserted</p> <p>(7) Nothing in the Code as applied shall be deemed to apply to proceedings against European British subjects or persons charged jointly with European British subjects.</p>
30. The Indian Stamp Act, 1899 (II of 1899).	The Cantonments of Mhow, Nimach, Nowgong and Sehore, the Indore Residency Bazais and the Civil Lines of Nowgong.	<p>(1) Sections 57, 58 and 59 shall be omitted.</p> <p>(2) In section 60, sub-section (1), the words "other than a Court mentioned in section 57" and "or Chief Court . . . refer the same" shall be omitted</p> <p>(3) In section 60, sub-section (2), the words "as it had been returned under section 57" and "under the seal . . . another like copy" shall be omitted.</p>
31. The Cantonments (House-Accommodation) Act, 1902 (II of 1902).	The Cantonments of Mhow, Nimach and Nowgong.	<p>In section 28—</p> <p>(1) For clause (a) the following shall be substituted—</p> <p>"(a) a chairman who shall be the Resident at Indore as regards the Cantonment of Mhow, the</p>

FIRST SCHEDULE—*contd*

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
<p>32. The Provincial Insolvency Act, 1907 (III of 1907).</p> <p>33. The Code of Civil Procedure, 1908 (V of 1908)</p>	<p>The Cantonments of Mhow, Nimach, Nowgong and Sehore, the Indore Residency Bazars, and the Civil Lines of Nowgong.</p> <p>The Cantonments of Mhow, Nimach, Nowgong and Sehore, the Indore Residency Bazars and the Civil Lines of Nowgong.</p>	<p>Political Agent in Malwa as regards the Cantonment of Nimach, and the Political Agent in Bundelkhand as regards the Cantonment of Nowgong,"</p> <p>(2) In the first proviso for the words "District Magistrate or the Magistrate (if any) appointed by the District Magistrate under clause (a)" the words "Resident or the Political Agent as the case may be" shall be substituted.</p> <p>(1) In section 2, sub-section (5), section 10 and rule 49, sub-rules 4 and 5 of Order XXI in the First Schedule, the words "British India" shall be read as referring to British India and the Cantonments of Mhow, Nimach, Nowgong, and Sehore, the Indore Residency Bazars, and the Civil Lines of Nowgong.</p> <p>(2) In the proviso to section 29, after the word "summonses" the words "are situate in British India or" shall be inserted.</p> <p>(3) For section 43 the following shall be substituted.—</p> <p>"43 Any decree passed by a Civil Execution of Court in British decrees of India or by any Court British Courts. established or continued by the authority of the Governor-General in Council may, if it cannot be executed within the jurisdiction of the Court by which it was passed, be executed in the manner herein provided within the jurisdiction of any Court in the Cantonments of Mhow, Nimach, Nowgong and Sehore, the Indore Residency Bazars, and the Civil Lines of Nowgong."</p> <p>(4) In section 45 after the words "any Court" the words "situate in British India or" shall be inserted.</p>

FIRST SCHEDULE—*contd*

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
		<p>(5) In section 78, for clause (b) the following shall be substituted — “(b) Courts situate in British India or in any other part of the British Empire, or”</p> <p>(6) To rule 25 of Order V in the First Schedule the following shall be added.— “Provided that, if the defendant resides in British India, the summons may be sent for service to a Court (not being a High Court) having jurisdiction at the place where he resides and if the Court returns the summons with an endorsement signed by the Judge or other officer of the Court that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be deemed to be evidence of service”</p> <p>(7) The provisions of Rule 48 of Order XXI in the First Schedule shall apply only to those cases in which the salary or allowances are payable in the Administered Areas in Central India.</p>
<p>34. The Indian Limitation Act, 1908 (IX of 1908).</p>	<p>The Cantonments of Mhow, Nimach, Nowgong, Sehoie, Agar and Guna, the Indore Residency Bazzars, and the Civil Lines of Nowgong.</p>	<p>(1) In section 13, the words “British India” shall be read as referring to British India and the territories of States in Central India including all Administered Areas.</p> <p>(2) Section 30 and the second schedule shall be omitted</p> <p>(3) For section 31, the following shall be substituted — “31. Notwithstanding anything contained in this Act, a suit for foreclosure or a suit for sale by a mortgagee instituted within sixty years from the date when the money secured by the mortgage became due and pending at the date of this notification in a Court either of first instance or of appeal shall not be dismissed on the ground that a twelve years’ rule of limitation is applicable.”</p>

FIRST SCHEDULE—*contd*

Enactments applied	Areas to which applied	Further modifications and restrictions
35 The Indian Registration Act, 1908 (XVI of 1908)	The Cantonments of Mhow, Nimach, Nowgong, and Sehoie, the Indore Residency Bazaars, and the Civil Lines of Nowgong.	In section 33, the words "British India" shall be read as referring to British India and the Administered Areas in Central India
36 The Whipping Act, 1909 (IV of 1909).	All Administered Areas in Central India	Section 6 shall be omitted
37. The Indian Paper Currency Act, 1910 (II of 1910)	All Administered Areas in Central India.	<p>Only the following sections shall apply as hereby modified —</p> <p>"15 A universal currency note for the time being of British India,¹ and any other currency note of British India which the Governor-General in Council may from time to time direct, shall be a legal tender for the amount expressed in the note in payment or on account of—</p> <p>(a) any revenue or other claim to the amount of five rupees or upwards due to Government, and</p> <p>(b) any sum of five rupees or upwards due by Government or by any body corporate or person.</p> <p>26 No person shall draw, accept, make or issue any bill of exchange, hundi, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe or take up any sum or sums of money on the bills, hundis or notes payable to bearer on demand, of any such person:</p> <p>Provided that cheques or drafts, payable to bearer on demand or otherwise, may be drawn on bankers, shroffs or agents by their customers or constituents, in respect of deposits of money in the hands of those bankers, shroffs or agents and held by them at the credit and disposal of the persons drawing such cheques or drafts</p> <p>27. (1) Any person contravening the provisions of section 26 shall, on conviction by a Magistrate of the first class, be punishable with a fine equal to the amount of the bill, hundi, note or engagement in respect whereof the offence is committed</p>

¹ For the universalisation of R100 notes see notification No. 2064-F., dated the 1st April 1911, *Gazette of India*, 1911, Pt. I, p 233.

FIRST SCHEDULE—*contd.*

Enactments applied.	Areas to which applied	Further modifications and restrictions
38. The Cantonments Act, 1910 (XV of 1910)	The Cantonments of Mhow, Nimach and Nowgong.	<p>(2) Every prosecution under this section shall be instituted by a person empowered in this behalf by the Agent to the Governor-General in Central India with the sanction of the Governor-General in Council."</p> <p>(1) For section 3 the following shall be substituted, namely — "3 The Governor-General in Council may, by notification in the <i>Gazette of India</i>, define or alter the limits of the Cantonments of Mhow, Nimach and Nowgong for the purposes of this Act, and of all other enactments for the time being in force"</p> <p>(2) For section 6, the following shall be substituted, namely — "6 The Cantonment Magistrate shall be such person as the Agent to the Governor-General in Central India may appoint in this behalf, and shall exercise such powers under the Code of Criminal Procedure, 1898, as locally applied, as the Agent to the Governor-General in Central India may, from time to time, confer upon him."</p> <p>(3) In section 15, for the words "the territories administered by such Government" wherever they occur, the words "British India" shall be substituted.</p> <p>(4) In section 16, sub-section (1), for the words "any Cantonment which is not included in a municipality and which is situated in any part of British India in which that Act is in force," the words "the Cantonments of Mhow, Nimach and Nowgong" shall be substituted, and the words "the District Magistrate and" shall be deleted</p> <p>(5) In section 25, for sub-sections (1) and (2) the following shall be substituted, namely.— "(1) Whenever the Governor-General in Council has, by a notification in the <i>Gazette of India</i>, extended, under section</p>

FIRST SCHEDULE—*contd.*

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
		<p>23, any enactment in any form to any cantonment or any part of any cantonment in British India or made under section 24 any rule for any such cantonment or any part of any such cantonment, the Governor-General in Council may, by notification in the <i>Gazette of India</i>, declare the enactment or rule so extended or made to be in force in the Cantonment of Mhow, Nimach or Nowgong or any part thereof, subject to such restrictions and modifications, if any, as he thinks fit.</p> <p>“(2) The enactment or rule shall thereupon, in accordance with such declaration, be in force in the Cantonment of Mhow, Nimach or Nowgong or part thereof, as the case may be, until the Governor-General in Council otherwise directs.”</p>
39. The Indian Airships Act, 1911 (XVII of 1911).	The Cantonment of Mhow.	<p>(1) Section 1, sub-section (2) and section 4, sub-section (2) shall be omitted.</p> <p>(2) In section 6 after the words “any rule made” the words “or notification issued” shall be inserted.</p>
40. The Indian Lunacy Act, 1912 (IV of 1912).	All Administered Areas in Central India.	<p>(1) To section 3, sub-section (1), the following shall be added :— “and includes any asylum in British India which the Governor-General in Council may by general or special order appoint.”</p> <p>(2) Sections 14, 15 and 67 shall be subject to the proviso that, if a lunatic is an inhabitant of a Native State, the Magistrate or Judge, as the case may be, may make him over to the care of such State with its consent and, in the case of an order under section 67, with the consent of the person on whose application the inquiry was instituted.</p>

¹ Inserted, and the succeeding entries re-numbered by notification No. 685-I.B., dated the 2nd April 1913. *Gazette of India*, 1913, Pt. I, p. 328.

FIRST SCHEDULE—*concl'd.*

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
41. The Wild Birds and Animals Protection Act, 1912 (VIII of 1912).	The Cantonments of Mhow, Nimach, Nowgong and Sehore, the Indore Residency Bazaars and the Civil Lines of Nowgong	(3) In section 85 for the words "in any province," and "in any other province," respectively, the words "in the Administered Areas in Central India" and "outside the Administered Areas in Central India" shall be substituted.

SECOND SCHEDULE.

(Notifications cancelled. Not reprinted.)

[*Gazette of India*, 1912, Pt. I, p. 1384.]

MHOW, NIMACH AND NOWGONG CANTONMENTS.

* VI.—Orders relating to Courts.

Provision for execution of capital sentences in British India

No. 1431-I., dated the 27th April 1893—Printed in Appendix XIII.

Criminal law and procedure of British India applicable to British subjects in Native States

No. 1863-I A., dated the 13th May 1904.—Printed in Appendix IV.

High Court at Bombay to exercise jurisdiction over European British subjects in Mhow and Nimach, and High Court at Allahabad in Nowgong

No. 853-I.B., dated the 16th April 1913.—Printed in Appendix IV.

Justices of the Peace to commit for trial to the High Court having jurisdiction

No. 2616-I., dated the 6th August 1890.—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

No. 680-I.B., dated the 19th March 1912—Printed in Appendix IV.

Appointment of Justices of the Peace, *viz*,

Political Officers.

No. 2313-I., dated the 13th August 1883

No. 2760-I., dated the 18th September 1883.

No. 2311-I., dated the 13th August 1883.

} Printed in Appendix IV.

Cantonment Magistrate, Mhow

No. 126, dated the 24th June 1873.

Cantonment Magistrate, Nowgong

Criminal Courts, High Court.

No. 2381-I.B., dated the 16th November 1912—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to direct that for the purposes of criminal jurisdiction within the Administered Areas in Central India, namely, the Cantonments of Mhow, Nimach, Nowgong, Sehore, Agar and Guna, the Indore Residency Bazars, the Gwalior Residency Area, the Sutna Agency and the Civil Lines of Nowgong, the Agent to the Governor-General in Central India shall exercise the powers of a High Court as defined in the Code of Criminal Procedure, 1898, as applied to the said Areas, except in proceedings against European British subjects or persons jointly charged with European British subjects.

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[*Gazette of India*, 1912, Pt. I, p. 1590.]

* For Statutes and Orders thereunder, and Acts of the Governor-General in Council and Orders thereunder locally in force, and Acts of the Governor-General in Council locally applied see pages 108 to 123

¹ Notifications cancelled

No 1628-B., dated the 16th November 1912.—In exercise of the powers conferred by sections 7, 9 and 10, respectively, of the Code of Criminal Procedure, 1898, as applied to the Administered Areas in Central India by the notification of the Government of India in the Foreign Department No 2365-I B., dated the 14th November 1912, the Agent to the Governor-General in Central India is pleased—

- (a) with the sanction of the Governor-General in Council, to direct that the area or areas mentioned in each entry in the first column of the schedule hereto annexed shall be a sessions division and a district for the purposes of the said Code ;
- (b) to establish a Court of Session for each such sessions division and to appoint as Judge of such Court the officer named in the corresponding entry in the second column of the said schedule ,
- (c) to appoint each of the officers named in the third column of the said schedule to be a Magistrate of the first class and District Magistrate for the district mentioned in the corresponding entry in the first column.

II

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SCHEDULE.

Administered Area	Sessions Judge.	District Magistrate
The Cantonment of Mhow	The Resident at Indore.	The Cantonment Magistrate, Mhow
The Cantonment of Nimach	The Political Agent in Malwa	The Cantonment Magistrate, Nimach.
The Cantonment and Civil Lines of Nowgong	The Political Agent in Bundelkhand.	The Cantonment Magistrate, Nowgong.
The Cantonment of Sehore.	The Political Agent in Bhopal.	The Political Agent in Bhopal.
The Cantonment of Agar.	The First Ass. stant to the Agent to the Governor-General in Central India	The First Assistant to the Agent to the Governor-General in Central India
The Cantonment of Guna	The Resident at Gwalior	The Resident at Gwalior.
The Indore Residency Bazars.	The First Assistant to the Agent to the Governor-General in Central India	The First Assistant to the Agent to the Governor-General in Central India.
The Gwalior Residency Area.	The Resident at Gwalior	The Resident at Gwalior.
The Sutna Agency	The Political Agent in Baghelkhand.	The Political Agent in Baghelkhand.

[Gazette of India, 1912, Pt II, p. 1795.]

¹ Printed *supra* p 110.

² Notifications cancelled.

No. 5022-I., dated the 24th December 1891.—Whereas the Governor-General in Council has power and jurisdiction within the Cantonments of Mhow and Nimach and the Cantonment and Civil Lines of Nowgong within the limits of the Central India Agency: In exercise of such power and jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879)¹ and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following orders :—

PART I.

PART II.

PART III.

For the purposes of the exercise of civil jurisdiction within the said Cantonments and Civil Lines :—

(1) The Cantonment Magistrate for the time being shall exercise the powers of a District Judge as described in the ⁴Code of Civil Procedure, with jurisdiction in all original suits, whatever be the amount or value of the subject-matter, and in all cases in which jurisdiction is conferred on the District Court by the law for the time being in force in the Cantonment.

(2) In the Cantonment of Mhow the ⁵[Resident at Indore for the time being] and in the Cantonment of Nimach and the Cantonment and Civil Lines of Nowgong the Political Agent for the time being shall exercise the powers of an Appellate Court, as described in the ⁴ Code of Civil Procedure, for hearing appeals from the decrees and orders of the Cantonment Magistrate.

(3) The Agent to the Governor-General in Central India for the time being shall exercise the powers of a High Court, as described in the ⁴ Code of Civil Procedure, for hearing appeals from the decrees and orders passed in appeal by the Political Agent or ⁵[the Resident], and for all purposes what-

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix III.

² Part I applying laws was cancelled by notification No. 2365-I B., dated 14th November 1912. Printed *supra* p. 110

³ Part II creating Criminal Courts was cancelled by notifications No. 2381-I.B. and No. 1628-B., dated the 16th November 1912 Printed *supra* pp. 124 and 125

⁴ The Code of Civil Procedure, 1908, was substituted by notification No 1434-I B., dated the 23rd July 1909, now superseded by the notification quoted in footnote 2.

⁵ Substituted by notification No 199-I B., dated the 3rd February 1913 *Gazette of India*, 1913, Pt. I, p. 105

soever connected with the administration of Civil Justice.

[*Gazette of India*, 1891, Pt. I, p 701.]

No. 1626-I.B., dated the 16th June 1899—Printed *supra*, page 104.

Payment of expenses
of complainants and
witnesses in Criminal
Courts
Maintenance and
custody of live stock
under attachment by
a Civil Court.

No. 450-B, dated the 14th March 1907.—In exercise of the power conferred by section 269 of the Code of² Civil Procedure (Act XIV of 1882), as applied to the Cantonments of Mhow, Nimach and the Cantonment and Civil Lines of Nowgong by the notification by the Government of India in the Foreign Department, No. 5022-1., dated the 24th December 1891, the Agent to the Governor-General in Central India is pleased to make the following rules for the maintenance and custody, while under attachment by a Civil Court, of live stock.—

1. In these rules, unless there is anything repugnant in the subject or context, the expression “attaching officer” includes the subordinate of an attaching officer acting under his orders.

2. (1) Where live stock has been attached under a decree passed by a Civil Court, the attaching officer shall leave it, by order in writing:—

- (a) if the judgment-debtor furnishes such security as appears to the officer to be sufficient, in the custody of the judgment-debtor, or
- (b) if the judgment-debtor does not furnish such security and some land-holder or other respectable person is willing to undertake the custody and to produce the live stock when required, then in the custody of such land-holder or other person.

(2) The attaching officer shall enter a brief description of the live stock—

- (a) in the order in writing referred to in sub-rule (1), and
- (b) in the report of attachment made by him to the Court.

(3) Where arrangements cannot be made under sub-rule (1), the attaching officer shall remove the live stock to the Cantonment cattle-pound.

3 (1) Where live stock is removed to a pound under rule 2, sub-rule (3), the pound-keeper shall enter in the Register—

- (a) the number and description of the stock,
- (b) the day and hour on and at which the stock was committed to his custody; and

¹ Part IV relating to Police was repealed by notification No. 841(b)-I.B., dated the 1st April 1899 *Gazette of India*, 1899, Pt. I, p 259 Part V enumerated notifications cancelled.

² See now the Code of Civil Procedure, 1908 (Act V of 1908), as applied by notification No. 2365-I B., dated the 4th November 1912. Printed *supra* p 110.

(c) the name of the attaching officer who so committed it, and shall give such officer a copy of the entry.

(2) The pound-keeper shall take charge of all animals committed to his charge under sub-rule (1) and shall duly feed and water them

4 For every animal committed to the custody of a pound-keeper there shall be leviable a rent for the use of the pound for such period of fifteen days, or part of such period, during which the custody continues, in accordance with the scale prescribed in section 12 of the Cattle-trespass Act, 1871.

(2) All sums so levied shall be applied in the manner prescribed in section 18 of the Cattle-trespass Act, 1871, for fees levied under section 12 of that Act, and the pound-keeper shall be paid, for feeding and watering any animal committed to his custody, at the rate for the time being fixed under section 5 of that Act by the Cantonment Magistrate for the charge for feeding and watering impounded cattle

5 An animal committed to the custody of a pound-keeper shall not be released until all charges leviable under rule 4 have been paid in full, otherwise than upon the order in writing of the Court executing the decree addressed to the pound-keeper

6 The cost of preparing live stock for sale or of conveying it to the place at which it is to be kept or sold shall be payable in the first instance by the decree-holder.

7. The amount of charges payable hereunder shall be ascertained and recorded by the attaching officer or the officer holding the sale when the live stock is released from attachment or sold and shall, so far as may be, be discharged by him from the amount, if any, paid in by the judgment-debtor before the release of the live stock or from the proceeds of the sale.

8. (1) Where—

- (a) the live stock is adjudged to belong to a third person who has objected to the attachment, or
- (b) the proceeds of the sale are found to be insufficient, or
- (c) the decree is settled out of Court, or
- (d) for any other reason payment of the charges is impossible, the attaching officer or the officer holding the sale shall report the matter for orders to the Court executing the decree.

(2) On receiving a report under sub-rule (1), a Court shall recover all charges payable from the decree-holder, which will then be disposed of in the manner prescribed in rule 4.

[*Gazette of India*, 1907, Pt. II, p. 456.]

No. 786-I.B., dated the 9th April 1913.—Printed in Appendix XII-A.

Courts in British India empowered to send summonses under the Code of Civil Procedure, and decrees to the District Courts and the Courts of Small Causes at Mhow, Nimach and Nowgong for service and execution.

Service by the said Courts at Mhow, Nimach and Nowgong of summonses—

(a) of Civil or Revenue Courts in British India;

(b) of other Courts established or continued by the Governor-General in Council;

(c) of Civil or Revenue Courts of Hyderabad, Mysore, Central India States, States in the political control of the Bombay Government and Baroda.

² No. 1366-I, dated the 29th March 1889.

² No. 1367-I, dated the 29th March 1889.

No. 1368-I, dated the 29th March 1889.

No. 2182-I, dated the 2nd July 1890.

No. 397-I.B., dated the 25th February 1910.

Printed in Appendix XII-A.

³ No. 1363-I, dated the 29th March 1889.

No. 1364-I, dated the 29th March 1889.

No. 4051-I.A., dated the 18th September 1902.

No. 399-I.B., dated the 25th February 1910.

Printed in Appendix XII-A.

Execution by the said Courts at Mhow, Nimach and Nowgong of decrees—

(a) of other Courts established or continued by the Governor-General in Council;

(b) of certain Courts of Mysore, States in the political control of the Bombay Government, and Baroda.

¹ For lists of such Courts in other parts of India, see notifications Nos. 786—788-I.B., dated the 9th April 1913. Printed in Appendix XII-A.

² See also modification (2) } in the Code of Civil Procedure, 1908, as applied. Printed *supra*,

³ See also modification (3) } p. 118.

Service of summonses of the said Courts at Mhow, Nimach and Nowgong *—

(a) by other¹ Courts established or continued by the Governor-General in Council;

(b) by Civil Courts of the Baroda and Mysore States.

Execution of decrees of the said Courts at Mhow, Nimach and Nowgong *—

(a) by other¹ Courts established or continued by the Governor-General in Council.

(b) by Civil Courts of the Baroda and Mysore States.

No. 1367-I., dated the 29th March 1889.—Printed in Appendix XII-A.

No. 398-I.B., dated the 25th February 1910.

No. 2622-I.B., dated the 24th December 1912.

} Printed in Appendix XII-C.

No. 1363-I., dated the 29th March 1889—Printed in Appendix XII-A.

No. 2623-I.B., dated, the 24th December 1912.—Printed in Appendix XII-C.

¹ See footnote 1 on the previous page

* These Courts and the Appellate Courts may send their summonses and decrees to Courts in British India for service and execution, see sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908). Printed General Acts, Volume VI, Edition 1909, page 133.

VII.—Local Laws.

No 2651-I., dated the 25th June 1891.—Printed in Appendix XV.

Publication of newspapers and other printed works.

No. 1431-I., dated the 27th April 1893.—Printed in Appendix XIII.

Provision for execution of capital sentences in British India.

No. 741-I. B., dated the 17th March 1898.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879),¹ and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to provide as follows for the production, sale, possession and import of spirit, fermented liquors and intoxicating drugs, and the collection of the revenue derived therefrom, within the Cantonments of Mhow and Nimach and the Cantonment and Civil Lines of Nowgong, respectively :—

The Mhow, Nimach and Nowgong Excise Law, 1898.

1. (1) These orders may be called the Mhow, Nimach and Nowgong Excise Law, 1898 ;

Short title and commencement.

(2) They extend to the Cantonments of Mhow and Nimach and to the Cantonment and Civil Lines of Nowgong, respectively ; and

(3) They shall come into force on the 19th March 1898.

2. (1) In this law, unless there is anything repugnant in the subject or context,—

Definitions.

(a) "Cantonment Magistrate" means the Cantonment Magistrate of Mhow, Nimach or Nowgong, as the case may be :

(b) "tari" means the sap of any kind of palm tree.

(c) "fermented liquor" means malt liquor, wine, pachwai and fermented tari, and shall, in any provision of this law, if the Agent to the Governor-General in Central India, subject to the control of the Governor-General in Council, so directs, include any other fermented liquor, and also tari, though it may not have perceptibly begun to ferment.

(d) "spirit" means any liquor containing alcohol obtained by distillation :

²[(e) "intoxicating drug" means—

(i) opium and its alkaloids and capsules of the poppy plant which have not been dried or from which the juice has not been extracted ;

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

² Substituted by notification No. 1766-I.B., dated the 18th August 1911. *Gazette of India*, 1911, Pt. I, p 648.

- (ii) the leaves and flowering tops of the hemp plant (*Cannabis sativa*) and ganja, bhang, charas and every similar preparation made therefrom,
- (iii) the leaves of the coca plant (*Erythroxylum coca*), and cocaine and every other preparation and derivative of the said plant;
- (iv) any other intoxicating drink or substance which the Local Government may by notification specify in this behalf; and
- (v) every preparation or admixture of any article mentioned in sub-clauses (i) to (iv) above.]
- (f) "tola" means a weight of one hundred and eighty grains Troy.
- (g) "ser" means a weight of eighty tolas.
- (h) "import" means to bring into any of the places to which this law extends, from any place beyond the limit of such places respectively:

¹[(i) the articles next hereinafter mentioned shall be deemed to be sold by "retail" when sold in quantities not exceeding those next hereinafter specified in respect of them, that is to say—

foreign spirit or foreign fermented liquor, two imperial gallons or twelve reputed quart bottles;
country spirit, one ser;
country fermented liquor, four sers;
opium or any preparation or admixture thereof, five tolas;
poppy-heads, five sers;
bhanga or any preparation or admixture thereof, twenty tolas;
ganja or charas, or any preparation or admixture thereof, five tolas;

if sold in larger quantities, they shall be deemed to be sold "wholesale."]

(2) In any case in which doubt arises, the Agent to the Governor-General in Central India may decide what, for the purposes of this law, shall be deemed to be "country spirit," "country fermented liquor," "foreign spirits" and "foreign fermented liquor;" and his decision shall be binding on the Courts.

Manufacture of spirit and liquor without license prohibited.

3. No person shall construct, work or possess a distillery, still or brewery, or manufacture fermented liquor, except under a license granted by the

¹ Substituted by notification No 304-I.B., dated the 22nd January 1904. *Gazette of India*, 1904, Pt. I, p. 79.

Cantonment Magistrate and in accordance with the conditions (if any) contained therein.

4. No spirit or fermented liquor shall be removed from any distillery, still or brewery licensed under section 3 until— Duty on spirit and fermented liquor.

- (a) such duty as the Agent to the Governor-General in Central India, with the previous sanction of the Governor-General in Council, may from time to time fix in respect of such spirit or fermented liquor, has been paid ; or
- (b) a bond for such duty has been executed.

5. The Agent to the Governor-General in Central India may from time to time make rules as to— Power to make rules as to distilleries and breweries.

- (a) the granting of licenses for distilleries, stills and breweries under section 3,
- (b) the notices to be given by the proprietor of a licensed distillery or licensed brewery when he commences and discontinues work ;
- (c) the size and description of the stills ;
- (d) the storing and passing out of the spirit made in such distillery or of the fermented liquor made in such brewery and the contents of the passes ;
- (e) the inspection and examination of such distillery or brewery, and the warehouses connected therewith, and of the spirit or fermented liquor made and stored therein ; and
- (f) the furnishing of statements of the spirit and the stills, coppers, casks, and other utensils in such distillery, or of the fermented liquor and the mash-tuns, under-backs, wort receivers, coppers, heating tanks, coolers, and collecting, fermenting and other vessels in such brewery.

6. ¹[(1) No person shall prepare any intoxicating drug in excess of the quantity which he is authorised to possess under section 15, or shall cultivate any plant from which the said drugs may be produced, except under a license granted by the Cantonment Magistrate and in accordance with the conditions (if any) contained therein.] Preparation of intoxicating drug without license prohibited.

(2) The Agent to the Governor-General in Central India may from time to time make rules to regulate the grant of licenses under sub-section (1)

7. No spirit, fermented liquor or intoxicating drug shall be sold except under a license granted by the Cantonment Magistrate and in accordance with the conditions (if any) contained therein ; Sale of spirit, fermented liquor or intoxicating drugs without license prohibited.

¹ Substituted by notification No. 304-I. B., dated the 22nd January 1904. *Gazette of India*, 1904, Pt. I, p. 79.

Provided as follows :—

- (a) Nothing in this section applies to the sale of any foreign spirit or foreign fermented liquor legally procured by any person for his private use and sold by him or by auction on his behalf, or on behalf of his representatives in interest, upon his quitting the station or after his decease.
- (b) Any person making or producing country spirit or country fermented liquor or preparing intoxicating drugs, in accordance with the provisions of this law, may, subject to any rules from time to time made by the Agent to the Governor-General in Central India in this behalf, sell such spirit, liquor or drug to any person licensed under this law, as a retail vendor of such spirit, liquor, or drug.
- ¹[(c) No person shall sell any preparation or admixture of opium which is used for the purpose of smoking to any other person in any circumstances]

Licenses for sale of spirit, fermented liquor and intoxicating drugs.

8. (1) Subject to any rules made by the Agent to the Governor-General in Central India under this law, the Cantonment Magistrate may grant licenses for the sale of foreign spirit or foreign fermented liquor, wholesale or retail, and for the retail sale of country spirit or country fermented liquor and of intoxicating drugs.

(2) Any license granted under this rule may be cancelled by the Cantonment Magistrate for any cause specified therein.

Cancellation of license.

9. (1) Whenever the Cantonment Magistrate considers that the license of a vendor of country spirit, country fermented liquor, or intoxicating drugs should be cancelled for any cause other than those specified in such license, he shall remit a sum equal to the amount of the license fee for fifteen days, and shall either give fifteen days' previous notice of his intention to cancel the license, or, in addition to remitting such sum as aforesaid, make such compensation for default of notice as the Agent to the Governor-General in Central India directs.

(2) On the expiration of such notice or the payment of such additional compensation, the Cantonment Magistrate may cancel the said license.

Surrender of license.

10. (1) Any retail vendor licensed under this law may surrender his license on the expiration of one month's previous notice given by him to the Cantonment Magistrate of his intention to surrender the same and on payment

¹ Added by notification No. 304-I. B., dated the 22nd January 1904. *Gazette of India*, 1904, Pt. I, p. 79.

of such sum not exceeding the amount of the license fee for six months, as the Cantonment Magistrate may fix in this behalf.

(2) If the Cantonment Magistrate is satisfied that there is sufficient reason for surrendering a license, he may remit the sum so fixed.

11. (1) The Cantonment Magistrate, with the sanction of the Agent to the Governor-General in Central India, may let in farm— Farming of fees and grant of licenses by farmer.

(a) the fees leviable on licenses for the retail sale of any description of country spirit or country fermented liquor or of intoxicating drugs ;

(b) the right to manufacture country spirit or country fermented liquor ;

(c) the right to prepare intoxicating drugs.

(2) When the fees so leviable, or the right to manufacture such spirit or liquor, or the right to prepare such drugs, are or is let in farm, singly or together, as the case may be, the farmer may, subject to such reservations or restrictions as the Cantonment Magistrate, with the sanction of the Agent to the Governor-General in Central India, may from time to time make or impose, grant licenses for the retail sale, or for the manufacture, or preparation, singly or together, as the case may be, of such articles within the local limits of his farm, and shall file in the office of the Cantonment Magistrate a list of all the licenses granted by him in such form and on such days as the Agent to the Governor-General in Central India may from time to time prescribe in this behalf.

12. The Cantonment Magistrate, with the sanction of the Agent to the Governor-General in Central India, may cancel any farm granted under this law. Cancellation of farm.

13. If any farm granted under this law is cancelled for any cause other than a breach on the part of the farmer of the conditions of the farm, or if any reservation or restriction with respect to the grant of licenses is made or imposed within the term of such farm, the farmer shall be entitled to receive, for any loss which he sustains thereby, such compensation as the Agent to the Governor-General in Central India may determine. Compensation to farmers in certain cases.

14. The Agent to the Governor-General in Central India may from time to time make rules to regulate the mode in which tari shall be supplied to licensed vendors of the same Power to make rules as to supply of tari to licensed vendors.

¹[15. (1) No person shall have in his possession any quantity of any preparation or admixture of opium used for smoking in excess of one tola. Possession of spirit, etc., when lawful.

(2) Subject to the provisions of sub-section (1), no person shall have in his possession any quantity of any spirit, fermented liquor or intoxicating drug in excess of that specified in section 2, sub-section (1), clause (i), in

¹ Substituted by notification No. 1766-I. B, dated the 18th August 1911 *Gazette of India*, 1911, Pt. I, p. 648

respect of such spirit, liquor or drug, except under the authority and in accordance with the terms and conditions of a license or permit granted by the Cantonment Magistrate in that behalf.

(3) Nothing in sub-section (2) shall apply to—

- (a) any foreign liquor other than denatured spirit in the possession of any common carrier or warehouseman as such, or
- (b) any foreign liquor lawfully procured by, and in the possession of any person for his own *bona fide* private consumption and not for sale, or
- (c) *tari* intended to be used solely for the manufacture of *gur* or molasses.

(4) Notwithstanding anything contained in sub-sections (2) and (3), the Agent to the Governor-General in Central India may from time to time by notification in the *Gazette of India* prohibit the possession by any person or class of persons, either in the whole of the territories to which this law extends or in any specified local area therein, of any spirit, fermented liquor or intoxicating drug, either absolutely or subject to such conditions, as he may prescribe, and may by a like notification cancel or vary any such prohibition]

¹[15-B. The Agent to the Governor-General in Central India, with the previous sanction of the Governor-General in Council, may from time to time by notification in the *Gazette of India* prohibit, throughout the territories to which this law extends or in any specified local area therein, the import, export or transport of any spirit or fermented liquor or intoxicating drug, either absolutely or subject to conditions, and may by a like notification cancel or vary any such prohibition.]

Imported country
spirit, liquor and
intoxicating drugs
subject to duty.

²[16 No person shall import, transport or export any country spirit or country fermented liquor or intoxicating drugs in excess of the quantity which he is authorised to possess under section 15 until he has obtained a pass therefor from the Cantonment Magistrate [or such other officer as may be empowered by the Agent to the Governor-General in Central India to issue such passes],³ and has paid in respect thereof such duty [if any]³ at such time and place and in such manner as the Agent to the Governor-General in Central India, with the previous sanction of the Governor-General in Council, may prescribe :

Provided that any farmer to whom a farm to manufacture or prepare such spirit, liquor or drug has been granted under section 11, shall be entitled to

¹ Added by notification No. 1706-I. B., dated the 18th August 1911 *Gazette of India*, 1911, Pt I, p 648

² Substituted by notification No 304-I B, dated the 22nd January 1904. *Gazette of India*, 1904, Pt I, p 79

³ Added by notification No. 3952-I B, dated the 11th October 1907. *Gazette of India*, 1907, Pt I, p 929,

import, transport or export any article included in his farm free of further charge, and that the agent of such farm or any person licensed by such farmer under section 11, sub-section (2), shall be entitled to import, transport or export any article included in such farm or license, as the case may be, free of charge on a pass granted by such farmer.]

¹[*Explanation* —Duties may be prescribed under this section at different rates according to the places into, within, or from which country spirit, country fermented liquor, or intoxicating drugs, is or are imported, transported, or exported]

¹[16-A The Agent to the Governor-General in Central India may from time to time—

- (a) establish or license bonded warehouses for the storage of spirit, fermented liquor or intoxicating drugs,
- (b) direct that, subject to such conditions (if any) as he may from time to time impose, the levy of the duty (if any) payable under section 16 on spirit, fermented liquor or intoxicating drugs in transit to or from or stored in such warehouses shall be postponed until such time as may by rule be fixed in this behalf

16-B. (1) If spirit, fermented liquor or intoxicating drugs be lodged in a warehouse established under the last foregoing section, the owner shall pay from time to time, on receiving a bill or written demand for the same from the officer appointed by the Agent to the Governor-General in this behalf, warehouse dues at such rates, if any, as the Agent to the Governor-General may fix.

(2) If any bill for warehouse dues presented under this section is not discharged within ten days from the date of presentation, the Cantonment Magistrate may in discharge of such demand (any transfer or assignment of the spirit or drugs notwithstanding) cause to be sold, in such manner as he may think fit, such sufficient portion of the spirit, fermented liquor or intoxicating drugs as he may select.

(3) Out of the proceeds of such sale the Cantonment Magistrate shall satisfy first the duty payable in respect of the spirit, fermented liquor or intoxicating drugs sold, and, next, the demand in respect of which the sale was made, and shall then pay the surplus (if any) to the owner of the spirit, fermented liquor or intoxicating drugs on his application :

Provided that if the spirit, fermented liquor or intoxicating drugs fail to

¹ Added by notification No. 3952-I. B., dated the 11th October 1907. *Gazette of India*, 1907, Pt. I, p. 929.

produce a sum sufficient to satisfy the said duty and demand, the same shall not be sold, but shall be destroyed by or by order of the said officer .

Provided also that the application for such surplus (if any) as aforesaid be made within one year from the sale of the spirit, fermented liquor or intoxicating drugs, or that sufficient cause be shown for not making it within such period.

16-C. The Agent to the Governor-General in Central India, * * *¹ may from time to time, by notification in the official gazette, make rules consistent with this law,—

- (a) to regulate the time, place and manner of payment of the duties (if any) imposed under section 16,
- (b) to regulate the management of warehouses established under section 16-A, the periods for which spirit or intoxicating drugs may be left therein, and their disposal on the expiry of such periods,
- (c) generally to carry into effect the provisions of sections 16, 16-A and 16-B.]

Recovery of dues

17. The Cantonment Magistrate may recover any amount due to the Government under this law, or the rules thereunder, by distress and sale of the moveable property of the person from whom such amount is due, or of his surety, or by any other process for the time being in force in British India for the recovery of arrears of land revenue due from landholders or from farmers of land or their sureties

Power to inspect shops and premises.

18. Any Magistrate or Police-officer not below the rank of a Sub-Inspector may enter and inspect at any time, by day or by night, the shop or premises in which any manufacturer or vendor licensed under this law carries on the manufacture of country spirit or the sale of country spirit, country fermented liquor or intoxicating drugs

Power to arrest and detain persons carrying spirits, etc., liable to confiscation.

19. Any Police-officer may stop and detain any person carrying any spirit, fermented liquor or intoxicating drug liable to confiscation under this law, and may seize such spirit, liquor or drug, together with any vessels, packages or coverings in which it is contained, and any animals and conveyances used in carrying it, and may also arrest the person in whose possession such spirit, liquor or drug is found.

Power to arrest persons in possession of article liable to confiscation.

20. Any Police-officer in charge of a station or of or above the rank of head-constable may arrest any person having in his possession any article liable to confiscation under this law or engaged in the unlawful sale of any

¹ Deleted by notification No. 942-I B, dated the 25th April 1912 *Gazette of India* 1912, Pt. I, p 504.

spirit, fermented liquor or intoxicating drug, and may seize such article, spirit, liquor or drug.

21. Whenever any Police-officer in charge of a station or of or above the rank of head-constable has reason to believe, from information given by any person (which information shall be taken down in writing), that in any place spirit is unlawfully manufactured, or any article liable to confiscation under this law is kept or concealed, such officer may after sunrise and before sunset enter into such place, and in case of resistance may break open any door and force and remove any other obstacle to such entry, and may seize and carry away such spirit or article, and may also arrest the occupier of the place, with all other persons concerned in the manufacture of such spirit or in the keeping and concealing of such article

Power to search on information of illegal manufacture or possession.

22. The Cantonment Magistrate may issue his warrant for the arrest of any person whom he has reason believe, either from information in writing or from the proceedings in any other case under this or any other law, to be engaged in the unlawful sale of spirit or fermented liquor or intoxicating drugs, or to have in his possession any article liable to confiscation under this law.

Issue of warrant for arrest in certain cases.

23 (1) The Cantonment Magistrate may issue his warrant for the search of any place in which he has reason to believe, either from information in writing or from the proceedings in any other case under this or any other law, that spirit is unlawfully manufactured, or that any spirit, fermented liquor or intoxicating drug liable to confiscation under this law is kept or concealed.

Issue of search warrant in certain cases.

(2) Such warrant may be executed by any Police-officer in charge of a station or of or above the grade of head-constable at the time and in the manner prescribed in section 21

(3) Whenever the Cantonment Magistrate thinks that the search should be made after sunset and before sunrise on any particular day, he shall issue a warrant specially authorising the search to be so made. Such warrant may be executed by any Police-officer as aforesaid in the manner prescribed in section 21, and shall cease to be in force at sunrise on the day next following.

24 Whenever a Police-officer arrests any person, or seizes any article liable to confiscation under this law, or enters any place for the purpose of searching for any such article, he shall, within twenty-four hours thereafter make a full report of all the particulars of such arrest, seizure, or search to his official superior, and shall with all convenient despatch take the person arrested or the article seized to the Cantonment Magistrate.

Police-officer to report arrest, etc., and to take person arrested to Cantonment Magistrate.

25 (1) The Cantonment Magistrate may appoint persons, by name or by virtue of their office, to be officers for the collection of the excise-revenue and for the prevention of offences against this law. The officers so appointed shall, in addition to their ordinary designation (if any), be styled Excise-

Power to appoint Excise-officers and invest them with powers of Police-officers.

officers, and shall be invested with such of the powers of a Police-officer under this law as the Agent to the Governor-General in Central India may prescribe.

(2) Every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be a Police-officer within the meaning of this law.

Penalty for illegal
manufacture or
preparation.

26. (1) Whoever,—

(a) in contravention of section 3, constructs, works or possesses a distillery, still or brewery, or makes fermented liquor; or

¹ [(b) in contravention of section 6, prepares any intoxicating drug or cultivates any plant from which such drug may be produced];

shall be punishable with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

¹ [(2) All spirit and liquor made in contravention of section 3, and any intoxicating drug produced or prepared in contravention of section 6, and all materials and implements collected for the purpose of such manufacture production or preparation shall be liable to confiscation]

Penalty for illegal
removal or import.

27. (1) Whoever,—

(a) in contravention of section 4, or of any rule made under section 5, removes any spirit from a distillery or any fermented liquor from a brewery, or

[(b) in contravention of this law, or any rule, notification, order or pass made, issued, given or granted thereunder, imports, transports or exports any spirit or fermented liquor or intoxicating drug,]²

shall be punishable with imprisonment for a term which may extend to [one year],¹ or with fine which may extend to one thousand rupees, or with both

(2) All such spirit or fermented liquor or intoxicating drug, together with the vessels containing the same, and any animals and conveyances used in carrying it, shall be liable to confiscation.

Penalty for
contravention of
other rules under
section 5.

28. Whoever, except in cases herein otherwise provided for, wilfully contravenes any rule made under section 5, shall be punishable with fine which may extend to one hundred rupees.

Penalty for illegal
sale.

29. Whoever, in contravention of section 7, sells any spirit, fermented liquor or intoxicating drug, shall be punishable with imprisonment for a term

¹ Substituted by notification No 304-I B., dated the 22nd January 1904. *Gazette of India* 1904, Pt I, p 79

² Substituted by notification No. 1766-I B., dated the 18th August 1911. *Gazette of India*, 1911, Pt. I, p. 648.

which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

30 Whoever, being licensed to sell retail spirit, or fermented liquor or intoxicating drugs, permits drunkenness, riot or gaming in his shop, or permits persons of notoriously bad character to meet or remain therein, or receives any wearing apparel or other effects in barter for spirit, fermented liquor or intoxicating drugs, shall be punishable with fine which may extend to two hundred rupees.

31 Whoever possesses any spirit or liquor or intoxicating drug in contravention of section 15, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both; and the [spirit, liquor, or intoxicating drug]¹ together with any vessels, packages and coverings in which it is contained, and any animals and conveyances used in carrying it, shall be liable to confiscation.

32. Whoever, holding a license or pass under this law, refuses to produce the same on the demand of any Police-officer, and whoever commits a breach of any rule made under this law or of any condition of a license granted thereunder, for the breach of which rule or condition no other penalty is provided by this law, shall be punishable with fine which may extend to fifty rupees.

33. (1) Whoever, being the owner or occupier of land or the agent of any such owner or occupier, authorizes, or connives at, the illegal manufacture of spirit or the preparation of intoxicating drugs, or the illegal sale of spirit or fermented liquor or intoxicating drugs, shall be punishable with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever, being invested with local jurisdiction, authorizes or connives at the illegal sale of any spirit, fermented liquor or intoxicating drug within the local limits of such jurisdiction, shall be punishable with fine which may extend to five hundred rupees.

34. Whoever, being a Police-officer,—

(1) without reasonable grounds of suspicion, searches, or causes to be searched, any place, or

(2) vexatiously and unnecessarily seizes the moveable property of any person on the pretence of seizing or searching for any article liable to confiscation under this law, or

Penalty for
vexatious search,
seizure or arrest.

¹ Substituted by notification No. 1766-I. B., dated the 18th August 1911. *Gazette of India*, 1911, Pt. I, p. 648.

(3) vexatiously and unnecessarily arrests any person, or

(4) commits any other excess not required for the execution of his duty,

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Penalty for neglecting to report arrest, etc.

35. Whoever, being a Police-officer, in contravention of section 24, neglect to report the particulars of any arrest, seizure or search, or delays taking to the Cantonment Magistrate any person arrested or any articles seized under this law, shall be punishable with fine which may extend to two hundred rupees.

Presumption in certain prosecutions.

¹ [35A. In prosecutions under sections 26, 27, 29 and 31 it shall be presumed, until the contrary is proved, that all articles for which the accused person is unable to account satisfactorily, are articles in respect of which he has committed an offence under this law.]

Prosecutions restricted.

36. No Court shall take cognizance of any offence punishable under this law, unless the prosecution is instituted before the expiry of six months next after the commission of such offence

¹ [Provided that nothing in this section shall apply to prosecutions instituted under section 27 in regard to the illegal import, export or transport of opium, poppy heads, or any preparation or admixture of the same.]

Attempts and abetment.

37. Whoever attempts to commit any offence punishable under this law, or abets within the meaning of the Indian Penal Code,² the commission of any such offence shall be punishable with the punishment provided for such offence.

Disposal of fines as rewards.

38. Any Magistrate before whom any person is convicted of any offence under section 26, 27, 28, 29, 31, or 33 may award to any person who has contributed in any way to such conviction, the whole or any portion of any fine imposed upon the offender and paid by him or realised from his property.

Cantonment Magistrate to order confiscation.

39. Any article liable to confiscation under this law may, on the application of a Police-officer, be confiscated by the order of the Cantonment Magistrate.

Control of Agent to Governor-General.

40. The Cantonment Magistrate shall, in all executive proceedings under this law, be subject to the control of the Agent to the Governor-General in Central India, and all executive orders passed by the Cantonment Magistrate thereunder shall be appealable to the Agent to the Governor-General in Central India.

¹ Added by notification No. 304-I. B., dated the 22nd January 1904. *Gazette of India*, 1904, Pt. I, p. 79.

² See section 108 of the Code as applied to these Areas by notification No. 2365-I. B., dated the 4th November 1912. *Supra*, p. 110.

41. The Agent to the Governor-General in Central India * *¹ Further power for Agent to Governor-General to make rules.
may from time to time make rules—

- (1) as to the period for which any license or farm under this law shall be granted ;
- (2) as to the fee payable for any such license or farm and the time or times at which it shall be payable ;
- (3) as to the security to be given by any licensee or farmer under this law ,
- (4) as to the form of any license or farming lease, and of the counterpart thereof (if any) to be taken from such licensee or farmer, and the conditions which may be inserted therein ;
- (5) as to the disposal of things confiscated under this law ;
- (6) as to the duties of Police-officers for the purpose of this law ; and
- (7) to provide generally for carrying out the provisions of this law.

42. The Agent to the Governor-General in Central India, with the previous sanction of the Governor-General in Council, may from time to time, by notification in the *Gazette of India*, exempt, ²[either in the whole of the territories to which this law extends or in any specified local area therein] any specified articles or any specified class of persons from all or any of the provisions of this law, and may, by a like notification, cancel or vary any such exemption. ^{Power for Agent to Governor-General to exempt articles and persons.}

[*Gazette of India*, 1898, Pt. I, p. 269.]

No. 302-G, dated the 15th February 1911.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to apply to the Cantonments of Mhow, Nimach and Nowgong (including the Civil Lines), so far as they are applicable, the Indian Arms Rules, 1909, published with the notification of the Government of India in the Home Department,³ No 3102 (Public), dated the 16th August 1909. ^{Arms Rules.}

2. For the purposes of these Rules the Agent to the Governor-General in Central India shall be deemed to be the Local Government.

[*Gazette of India*, 1911, Pt. I, p. 113.]

¹ Deleted by notification No 942-I. B., dated the 25th April 1912. *Gazette of India*, 1912, Pt I, p 504.

² Substituted by notification No 1766-I. B., dated the 18th August 1911. *Gazette of India*, 1911, Pt I, p 648

³ Printed in Appendix XVII.

INDORE RESIDENCY BAZARS.

VI.¹—Orders relating to Courts.

Provision for execution of capital sentences in British India

No. 1431-I, dated the 27th April 1893.—Printed in Appendix XIII.

Criminal law and procedure of British India applicable to British subjects

No. 1863-I. A., dated the 13th May 1904.—Printed in Appendix IV.

High Court at Bombay to exercise jurisdiction over European British subjects.

No. 853-I. B., dated the 16th April 1913.—Printed in Appendix IV.

Justices of the Peace to commit for trial to the High Court having Jurisdiction.

No. 2616-I., dated the 6th August 1890.—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class, and to hold inquests. Appointment of Justices of the Peace.

No. 680-I. B., dated the 19th March 1912.—Printed in Appendix IV.

No. 2313-I., dated the 13th August 1883.

No. 2760-I., dated the 18th September 1883. }—Printed in Appendix IV.

Criminal Courts, High Court.

No. 2381-I. B., dated the 16th November 1912.—Printed *supra*, p. 124.

Court of Session and District Magistrate.

No. 1628-B., dated the 16th November 1912.—Printed *supra*, p. 125.

Other Courts.

No. 1629-B., dated the 16th November 1912.—In exercise of the powers conferred by sections 12 and 37 of the Code of Criminal Procedure, 1898, as applied to the Administered Areas in Central India by the notification of the Government of India in the Foreign Department,² No. 2365-I. B, dated the 14th November 1912, the Agent to the Governor-General in Central India Code—

(a) to appoint the Second Assistant and the Extra Assistant to the Agent to the Governor-General to be Magistrates of the first class in the Indore Residency Bazars and to empower them to try in a summary way the offences enumerated in section 260 of the said Code ;

(b) to invest the Second Assistant to the Agent to the Governor-General with power to require security for good behaviour under section 110 of the said Code ; and

¹ For Statutes and Orders thereunder, and Acts of the Governor-General in Council and Orders thereunder locally in force and Acts locally applied *see* pages 108 to 123, *supra*.

² Printed *supra*, p. 110.

- (c) to appoint the Residency Surgeon and Superintendent of the Central Jail at Indore to be a Magistrate of the second class and to exercise all ordinary powers as such within the Central Jail.

II. * * * 1

[*Gazette of India*, 1912, Pt. II, p. 1795]

No. 1494-I, dated the 14th May 1885.—Whereas under the existing Civil Courts practice the Attaché of the Central India Agency for the time being, and the First Assistant to the Agent to the Governor-General in Central India for the time being, exercise certain civil jurisdiction within the limits of the Indore Residency,² and whereas it is expedient to remove all doubts as to the legality of their exercise of those powers —In virtue of the authority conferred by sections 4 and 5 of Act XXI of 1879 (the Foreign Jurisdiction and Extradition Act, 1879),³ and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following notification, namely:—

- [(1) The Extra Assistant to the Agent to the Governor-General in Central India, for the time being, is invested, and shall be deemed to have been always invested, with the powers of a District Court for hearing original suits, whatever be the amount or value of the subject matter, within the limits of the Indore Residency.
- (2) The First Assistant to the Agent to the Governor-General in Central India, for the time being, is invested, and shall be deemed to have been always invested, with the powers of an Appellate Court for hearing appeals from the decrees and orders of the said Extra Assistant to the Agent to the Governor-General.]⁴
- (3) The Agent to the Governor General in Central India for the time being is invested, and shall be deemed to have been always invested, with the powers of a High Court for hearing appeals from the decrees or orders passed in appeal by the said First Assistant.

¹ Notification cancelled.

² Now styled the Indore Residency Bazars

³ See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix III.

⁴ Substituted by notification No. 2346-I B, dated the 13th June 1902. *Gazette of India*, 1902, Pt. I, p. 432.

- (4) All officers exercising civil jurisdiction within the said limits shall follow the procedure prescribed by [Act V of 1908]¹ (the Code of Civil Procedure), so far as it may be applicable to the land within the said limits

[*Gazette of India*, 1885, Pt. I, p. 295]

Payment of expenses of complainants and witnesses in Criminal Courts.

No. 1626-I.B., dated the 16th June 1899—Printed *supra*, page 104.

Courts in British India empowered to send summonses under the Code of Civil Procedure and decrees to the District Court and the Court of Small Causes in the Residency Bazars for service and execution.

No. 786-I.B., dated the 9th April 1913.—Printed in Appendix XII-A.

Service by the said Courts in the Residency Bazars of summonses—

(a) of Civil or Revenue Courts in British India,

³ *No. 1366-I., dated the 29th March 1889.*

(b) of other² Courts established or continued by the Governor-General in Council;

³ *No. 1367-I., dated the 29th March 1889.*

} Printed in Appendix XII-A

(c) of Civil or Revenue Courts of Hyderabad, Mysore, Central India States, States in the political control of the Bombay Government and Baroda.

No. 1368-I., dated the 29th March 1889.

No. 2182-I., dated the 2nd July 1890.

No. 397-I.B., dated the 25th February 1910. }

¹ Substituted by notification No 1434-I.B., dated the 23rd July 1909. *Gazette of India*, 1909, Pt I, p 594.

² For lists of such Courts in other parts of India, see notifications Nos 786-788-I.B., dated the 9th April 1913 Printed in Appendix XII-A.

³ See also modification (2) in the Code of Civil Procedure, 1908, as applied. Printed *supra*. p 118.

Execution by the said Courts in the Residency Bazars, of decrees—

(a) of Courts in British India,

(b) of other² Courts established or continued by the Governor-General in Council;

(c) of certain Courts of Mysore, States in the political control of the Bombay Government and Baroda.

Service of summonses of the said Courts in the Residency Bazars³—

(a) by other² Courts established or continued by the Governor-General in Council;

(b) by Civil Courts of the Baroda and Mysore States.

Execution of decrees of the said Courts in the Residency Bazars²—

(a) by other Courts established or continued by the Governor-General in Council.

(b) by Civil Courts of the Baroda and Mysore States.

¹ No. 1362-I., dated the 29th March 1889.

¹ No. 1363-I., dated the 29th March 1889.

No. 1364-I., dated the 29th March 1889.

No. 4051-I.A., dated the 18th September 1902

No. 399-I.B., dated the 25th February 1910

} Printed in Appendix XII-A.

No. 1367-I., dated the 29th March 1889.—Printed in Appendix XII-A.

No. 398-I B., dated the 25th February 1910

No. 2622-I. B., dated the 24th December 1912.

} Printed in Appendix XII-C.

No. 1363-I., dated the 29th March 1889.—Printed in Appendix XII-A.

No. 2623-I. B., dated the 24th December 1912.—Printed in Appendix XII-C.

¹ See also modification (3) in the Code of Civil Procedure, 1908, as applied. Printed *supra*, p. 118.

² See footnote 2 on the previous page

³ These Courts and the Appellate Courts may send their summonses and decrees to Courts in British India for service and execution, see sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908). Printed General Acts, Vol. VI, Ed. 1909, p. 133.

VII.—Local Laws.

Publication of news- papers and other printed works.	<i>No. 2651-I, dated the 25th June 1891.</i> —Printed in Appendix XV.
Provision for execution of capital sentences in British India.	<i>No. 1431-I, dated the 27th April 1893.</i> —Printed in Appendix XIII.
Indore Residency Bazars Regulation, 1904.	<i>No. 2513-I. B., dated the 8th July 1904.</i> Regulation for the better administration of the Indore Residency Bazars.

CHAPTER I.—PRELIMINARY.

Short title, and com-
mencement.

1. (1) In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to make the following "Regulation for the better administration of the Indore Residency Bazars."

(2) It shall come into force at once.

(3) All orders, declarations, rules, and regulations made, directions, licenses, and permits given, taxes imposed and notifications published, before the commencement of this Regulation, under the authority of, or with the approval of, the Agent to the Governor-General in this behalf, shall so far as they are consistent with this Regulation be deemed to have been respectively made, given, imposed, and published thereunder.

Definitions.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

(1) "Agent to the Governor-General" means Agent to the Governor-General in Central India :

(2) "inhabitant" includes any person ordinarily residing or carrying on business or owning or occupying immoveable property in the area to which this Regulation extends :

(3) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway :

(4) "owner" includes the person for the time being receiving the rent of any land or building, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant :

(5) " notification " means a notification published by authority of the Agent to the Governor-General in the *Residency Orders* :

(6) " notified " means published as aforesaid .

(7) " Bazar Authority " means the Assistant to the Agent to the Governor-General for the time being in charge of the bazars acting alone, or, where the Agent to the Governor-General by general or special order so directs, in committee with such person or persons as the said Agent might appoint in this behalf

CHAPTER II.—OFFICERS AND SERVANTS

3. Subject to the other provisions of this Regulation and to the general Employment of control of the Agent to the Governor-General, the appointment of such other officers and servants officers and servants as may be necessary or proper for the efficient execution of the provisions of this Regulation shall rest with the Bazar Authority.

4. In the case of an officer or servant appointed under the preceding section the Bazar Authority may— ^{Pensions of others.}

(i) grant him—

(a) leave allowances ;

(b) if he is not entitled to pension, or if his monthly pay does not exceed ten rupees, a gratuity on resignation or retirement ; and

(ii) if empowered in this behalf by the Agent to the Governor-General—

(a) subscribe on his behalf for pension or gratuity under the rules contained in the Civil Service Regulations for the time being in force ; or

(b) purchase for him from the Government or otherwise an annuity on his retirement ;

Provided that no pension, gratuity, leave allowance or annuity shall exceed the sum to which, under the Civil Service Regulations for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

5. Should any sweeper employed by the Bazar Authority, in the absence of a written contract authorising him so to do, and without reasonable cause, resign his employment, or absent himself from his duties without leave, or without giving one month's notice to the Bazar Authority, or neglect, or refuse to perform his duties, or any of them, he shall be liable to imprisonment which may extend to two months or to fine.

Contracts

Authority to
contract.

6. (1) The Bazar Authority may enter into any contract whereof the value or amount does not exceed two hundred rupees.

(2) A contract whereof the value or amount exceeds two hundred rupees shall not be executed until it has been sanctioned by the Bazar Authority.

(3) A contract whereof the value or amount exceeds one thousand rupees shall not be executed until it has been sanctioned by the Agent to the Governor-General.

Mode of executing
contracts.

7. (1) Every contract made by or on behalf of the Bazar Authority whereof the value or amount exceeds fifty rupees, shall be in writing.

(2) Every such contract shall be signed by the Bazar Authority.

(3) If a contract to which this section applies is executed otherwise than in conformity therewith, it shall not be binding on the Bazar Authority.

CHAPTER III.—TAXATION

Taxes which may be
imposed.

8. (1) Subject to any general rules or special orders which the Governor-General in Council may make in this behalf, the Agent to the Governor-General may, from time to time, for the purposes of this Regulation and in the manner by this Regulation directed, impose in the area to which this Regulation extends any of the following taxes, namely :—

- (a) a tax on buildings and lands not exceeding seven and-a-half per centum on the annual value,
- (b) a tax on persons practising any profession or art or carrying on any trade or calling in the Residency Bazars not exceeding two and-a-half per centum on the annual income derived from such practice;
- (c) a tax not exceeding R4 a quarter on every vehicle, animal used for riding, driving, draught or burden, or dog kept within the Residency Bazars;
- (d) a toll not exceeding one anna on every vehicle and animal used as aforesaid entering the Residency Bazars,
- (e) an octroi on animals for slaughter, or goods, or both, brought within the Residency Bazars for consumption or used therein, such octroi not exceeding one anna on each animal and not exceeding R4 a maund or 4 per centum *ad valorem* on any such goods as aforesaid,

(f) a Beyai tax not exceeding 4 annas per centum *ad valorem* on all sales of the value of R25 and upwards taking place within the Residency Bazars,

and with the previous sanction of the Governor-General in Council, any other tax :

Provided that any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under clause (d) by paying the tax which would have been leviable in respect thereof under clause (e) if the same had been kept within the area to which this Regulation extends

(2) In this section "annual value" means the gross annual rent for which buildings or lands liable to taxation may reasonably be expected to let

9. Where the Bazar Authority has in exercise of the powers conferred by Scavenging tax. this Regulation, undertaken the house scavenging of any house or building it may, with the previous sanction of the Agent to the Governor-General and in the manner by this Regulation directed, charge the occupiers of such house or building, in addition to any other tax imposed upon them under this Regulation a tax, to be called the scavenging tax, at such rate or of such amount as it thinks fit

Provided that in fixing the rate or amount of such tax regard shall be had to the principle that the total net proceeds of the tax should not exceed the total charges of the house scavenging undertaken by the Bazar Authority

10 Besides the taxes mentioned in the foregoing sections, the Bazar Water-tax. Authority, with the previous sanction of the Agent to the Governor-General, may, for the purpose of constructing or maintaining works for the supply of water or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Regulation directed, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works :

Provided that, in fixing the rate of such tax, regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purpose

11. No tax shall come into force until one month after it has been Notification of and notified, and the Agent to the Governor-General may, by notification, power to abolish and reduce taxes, abolish or reduce in amount any tax imposed under the foregoing sections.

12 (1) The Bazar Authority may, with the previous sanction of the Agent to the Governor-General, exempt in whole or in part from the payment of any such tax any person who by reason of poverty may, in its opinion, be unable to pay the same Power to exempt from taxation.

(2) The Governor-General in Council may, by order, exempt in whole or in part from the payment of any such tax any person, or class of persons, or any property or description of property.

Taxes not invalid for defect of form.

13. No tax imposed under this Regulation shall be invalid merely for defect of form; and it shall be enough in the case of any such tax on property or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof

Taxes when paid.

14 Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the Agent to the Governor-General may, from time to time, prescribe

Receipts to be given.

15 For all sums paid on account of any tax under this Regulation, a receipt stating the amount and the tax on account of which it is paid shall be given, on his application, to the person making the payment

Appeals against taxation.

16 (1) An appeal against the assessment or levy of any tax under this Regulation shall lie to the First Assistant to the Agent to the Governor-General

(2) The order of the appellate authority shall be final.

Limitation for appeals.

17 (1) No appeal shall lie in respect of a tax on any building or land unless it is preferred within one month after the publication of the prescribed notice of assessment, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made :

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section, if the appellant satisfies the appellate authority that he had sufficient cause for not presenting it sooner.

(2) No appeal shall be entertained unless the amount of the tax to which it relates is deposited with the Bazar Authority before the appeal is preferred

Taxation not to be questioned except under the Law.

18. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Regulation provided.

19. Every person bringing or receiving within the Residency Bazars any article or animal for slaughter on which octroi is payable, shall, when required by an officer authorized by the Bazar Authority in that behalf, and so far as may be necessary for ascertaining the amount of tax chargeable—

(a) permit that officer to inspect, examine, weigh or otherwise deal with the article, and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature that he may possess relating to the article.

20. If after the imposition of an octroi tax any person bringing or receiving a conveyance or package within the Residency Bazars refuses, on the demand of an officer authorized by the Bazar Authority in this behalf, to permit such officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, such officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence

Power to search
where octroi is
leviable

21 Every officer demanding octroi by authority of the Bazar Authority shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated

Presentation of bill
for action

22. (1) In case of non-payment of octroi on demand, the officer empowered to collect the same may seize any article on which it is chargeable, or any part thereof of sufficient value to satisfy the demand

Recovery of octroi.

(2) The Bazar Authority may, after the lapse of five days from the seizure and the issue of a proclamation fixing the time and date of sale, cause property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid :

Provided that articles of a perishable nature may be sold after the lapse of such shorter time as the Bazar Authority, having regard to the nature of the articles, may think necessary in order to avoid serious risk or damage.

CHAPTER IV.—RESIDENCY BAZARS FUND AND PROPERTY.

23 (1) There shall be formed a Residency Bazar Fund, and there shall be placed to the credit thereof—

Constitution of
Residency Bazar
Funds.

(a) all sums received by or on behalf of the Bazar Authority under this Regulation or otherwise ;

(b) all fines realised in cases in which prosecutions are instituted under this Regulation or the rules made hereunder, or under section 34 of the Police Act, 1861, as locally applied,¹ for offences committed within the Residency Bazars ;

(c) the balance (if any) standing at the credit of the Residency Bazars Fund at the commencement of this Regulation ;

and this fund, together with all property purchased at its expense, and all property of the nature hereinafter in this section specified and situated within the Residency Bazars, shall be vested in, and belong to the Agent to the Governor-General ; and, subject to the provisions of this Regulation and

¹ See notification No 2365-I. B, dated the 14th November 1912. Printed *supra*, p. 110.

of the rules framed thereunder and to the control of the Agent to the Governor-General, the management thereof shall be entrusted to the Bazar Authority.

(2) The property hereinbefore referred to includes—

- (a) all public streets and bridges and the pavements, stones and other materials thereof ;
- (b) all land or property acquired by Government or by the Agent to the Governor-General or the Bazar Authority for local public purposes, and all open spaces, not being private property adjacent to any street or appertaining to any public place or building which now are managed or under the control of the Bazar Authority ;
- (c) all public sewers, drains, culverts, and water-courses alongside or under any public street, and all works, materials and things appertaining thereto, and
- (d) all dust, dirt, sewage, refuse, filth and rubbish of any kind, collected by the Bazar Authority from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in any place set, apart by him for that purpose

Application of fund 24 (1) The Bazar Authority shall, subject to the provisions of this Regulation, set apart and apply annually out of the Residency Bazars Fund—

- (a) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted for, or on behalf of, the Bazar Authority ;
- (b) *secondly*, such sum as may be required to meet the charges of the Bazar Authority establishment, including such subscriptions, contributions and payments as are referred to in section 4, and such sum as may be required for the maintenance of a police establishment under Chapter V

(2) Subject to the charges specified in sub-section (1) and to such rules as the Agent to the Governor-General may make with respect to the priority to be given to the several duties of the Bazar Authority, the Residency Bazars Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the Residency Bazars, namely :—

- (a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, drains, latrines, and water-courses ;
- (b) the watering and lighting of such streets or any of them ;

- (c) the construction, establishment and maintenance of rest-houses, markets, pounds, and other works of public utility ;
- (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums, and other educational or charitable institutions ,
- (e) the supply, storage and preservation from pollution of water for the use of men or animals ;
- (f) the planting and preservation of trees ;
- (g) the taking of a census, the registration of births, marriages and deaths, public vaccination, and any other sanitary measure ;
- (h) the destruction of stray and ownerless dogs ;
- (i) all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the Bazar Authority, with the sanction of the Agent to the Governor-General, to be an appropriate charge on the Residency Bazars Fund.

25. The Residency Bazars Fund may be deposited with any banker, or person acting as a banker who has given such security for the safe custody and repayment on demand of the fund so deposited as the Agent to the Governor-General may in each case think sufficient Custody of Residency Bazars Fund.

26. (1) The Bazar Authority may, from time to time, with the previous sanction of the Agent to the Governor-General, invest any portion of the Residency Bazars Fund in securities of the Government of India or such other securities as the Governor-General in Council may, from time to time, approve in this behalf, and vary such investments for others of a like nature.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the Residency Bazars Fund

CHAPTER V.—RESIDENCY BAZARS POLICE

27. (1) There shall be maintained out of the Residency Bazars Fund a police establishment for watch and ward and the prevention and suppression of crime within the Residency Bazars, and for the enforcement of this Regulation and of the rules and orders thereunder

(2) This establishment shall be a part of the general police force under the Agent to the Governor-General within the meaning of section 2 of the Police Act, 1861, as locally applied,¹ and shall consist of such number of officers and men, and the officers and men shall receive such pay, leave allowances, gratuities and pensions, as the Agent to the Governor-General may direct. Constitution of establishment.

¹See notification No. 2365-I. B., dated the 14th November 1912. Printed *supra*, p. 110.

Entertainment of
special police.

28. When special police protection is, in the opinion of the Agent to the Governor-General, requisite as on the occasion of any fair, show, exhibition, religious ceremony, or festival, the Agent to the Governor-General may provide such protection, and shall debit against the Residency Bazaars Fund so much of the cost thereof as he may think equitable

CHAPTER VI — POWERS FOR SANITARY AND OTHER PURPOSES.

Nuisances

Offences in road or
public place.

29. (1) Whoever,—

- (a) in any street or public place within the Residency Bazaars,—
 - (i) is drunk and disorderly, or drunk and incapable of taking care of himself ; or
 - (ii) uses any threatening, abusive or insulting words, or behaves in a threatening or insulting manner, with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned ; or
 - (iii) eases himself, or wilfully and indecently exposes his person , or
 - (iv) begs importunately for alms ; or
 - (v) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound ; or
 - (vi) carries meat exposed to public view ; or
 - (vii) is found gaming , or
 - (viii) pickets animals or collects carts ; or,
 - (ix) being engaged in the removal of night-soil or other offensive matter or rubbish, neglects to sweep away or otherwise effectually remove any portion thereof that may spill or fall on to such street or public place ; or,
 - (x) without proper authority, affixes, or causes to be affixed, any bill, notice or other document upon any building, monument, post, wall, fence, tree or other thing ; or,
 - (xi) without proper authority, defaces, or writes upon, or otherwise marks, any building, monument, post, wall, fence, tree or other thing ; or,
 - (xii) without proper authority, removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Regulation ; or,
 - (xiii) carries a corpse, or causes the same to be carried, without keeping it decently covered, or without taking due precaution to prevent risk of infection or injury to the public health or

annoyance to passers by or to persons dwelling in the neighbourhood, or

- (b) carries a corpse along a route prohibited by the Bazar Authority by public notice ; or
- (c) deposits, or permits his servant to deposit, any offensive matter or rubbish in any place not intended for the purpose on any street or public place, or waste or unoccupied land under the management of the Bazar Authority ; or,
- (d) having charge of a corpse, fails to bury, burn or otherwise lawfully dispose of the same within twenty-four hours after death ; or
- (e) makes any grave, or buries or burns any corpse, at an unauthorized place ; or
- (f) keeps or uses, or knowingly permits to be kept or used, any place as a common gaming-house, or assists in conducting the business of any common gaming house ; or
- (g) wilfully intrudes upon a place set apart for bathing purposes and incommodes persons lawfully using the same ; or,
- (h) at any time or place prohibited by the Bazar Authority by general or special notice, beats a drum or tom-tom, blows a horn or trumpet, or beats or sounds any brass or other instrument or utensil, or plays any music ; or,
- (i) by singing, screaming or shouting, disturbs the public peace or order ; or
- (j) lets loose any horse or other animal so as to cause, or negligently allows any horse or other animal to cause, injury, danger, alarm or annoyance to any person ; or,
- (k) being the occupier of any building or land in or upon which an animal dies, neglects, within three hours after the death of the animal, or, if the death occurs at night, within three hours after sunrise, either—
 - to report the death to the Bazar Authority or to some officer (if any) appointed by him to receive such reports with a view to the removal and disposal of the carcass by the public conservancy establishments, or
 - to remove and dispose of the carcass in accordance with any general directions given by the Bazar Authority by notice, or any special directions given by the officer in charge of the Bazars ¹[of such report] as aforesaid ; or,

¹ *Sic.* Read "on receipt of such report."

(2) except with the written permission of the Bazar Authority, stores or uses nightsoil, manure, rubbish or any other substance emitting an offensive smell ;

shall be punished with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees

(2) Whoever does not take reasonable means to prevent any child under the age of twelve years in his charge from easing himself in any street or public place within the Residency Bazars, shall be punished with fine which may extend to twenty-five rupees.

Streets and Buildings.

Power to attach brackets for lamps.

30. The Bazar Authority may attach to the outside of any building brackets for lamps in such manner as not to cause injury thereto or inconvenience.

Names of streets and numbers of buildings.

31 (1) The Bazar Authority may, with the previous sanction of the Agent to the Governor-General, name any street and cause that name and likewise any number to be affixed on any building, and may, from time to time, cause the same to be altered

(2) Whoever destroys, pulls down, alters or defaces any such name or number shall, on conviction by a Magistrate, be punished with a fine that may extend to twenty rupees

Roofs and external walls not to be made of inflammable materials.

32. The Bazar Authority may, by public notice, direct that within certain limits to be fixed by the notice the roofs and external walls of huts or other buildings shall not, without his permission in writing, be made or renewed of grass, mats, leaves or other highly inflammable materials, and may, by notice in writing, require any person, who has disobeyed any such direction as aforesaid, to remove or alter the roofs or walls so made or renewed as he may think fit.

Power to acquire land for building sites adjoining new streets

33. When any land is required for a new street, or for the improvement of an existing street, the Bazar Authority may cause to be acquired, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to close streets.

34. The Bazar Authority may close temporarily any streets, or parts thereof, for any public purpose, and with the Agent to the Governor-General's permission may divert, discontinue or permanently close any street

Power to permit temporary occupation of street, etc.

35 The Bazar Authority may grant permission in writing for the temporary occupation of any street for the deposit of materials, temporary excavation or erection, subject to such conditions and the payment of such fees as the Agent to the Governor-General may prescribe, and may at his discretion withdraw such permission.

36 Every person intending to erect, re-erect, alter or repair any building shall give notice of his intention to the Bazar Authority and shall, if required ^{ing.} Notice of new build- to do so, submit a plan showing the levels at which the foundations and lowest floor are proposed to be laid and specifications of the works intended to be constructed and the materials to be used, and shall obey any written directions consistent with this Regulation given by the Bazar Authority thereupon, and the Bazar Authority may prohibit such erection, re-erection, alteration or repair, or sanction it either absolutely or subject to such directions as he may think fit to issue in writing in respect of all or any of the following matters, namely, free passage or roadway, free circulation of air, facilities of scavenging, ventilation, drainage level, stability, line of frontage or any other matter which the Agent to the Governor-General may, from time to time, prescribe :

Provided that no compensation shall be claimable on account of any direction or prohibition under this section.

If the erection, re-erection, alteration or repair of any building is begun without the permission of the Bazar Authority or in disobedience to any direction issued by the Bazar Authority under this section, or continued contrary to those directions, the Bazar Authority may, by notice, require such building to be altered or demolished, and the person so erecting, re-erecting, altering or repairing shall, on conviction by a Magistrate, be liable to a fine not exceeding five hundred rupees

Explanation.—In this section the expression “erect or re-erect any building” includes—

- (a) any material alteration or enlargement of any building ;
- (b) the conversion into a place for human habitation of any building not originally constructed for human habitation ;
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place ;
- (d) the conversion of two or more places of human habitation into a greater number of such places ,
- (e) such alterations of the internal arrangement of a building as affect an alteration of its drainage or sanitary arrangements, or affect its security ; and
- (f) the addition of any rooms, buildings, out-houses or other structures to any building

37 The Bazar Authority may, by notice in writing, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof, if the same overhangs or projects into or encroaches on any street, public drain, aqueduct or sewer. Removal of obstruct-
ing projections and
encroachments.

Troughs and pipes
for rain-water.

38 The Bazar Authority may, by notice in writing, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same, so as not to inconvenience persons passing along a street.

Unauthorised
buildings over drains,
etc

39 The Bazar Authority may, by notice in writing, require any person who, without his permission in writing, newly erects or rebuilds any building over any public sewer, drain, culvert, water-course or water-pipe, to pull down or otherwise deal with the same as he thinks fit.

Power to require
untenanted buildings
becoming a nuisance
to be secured or
enclosed.

40. The Bazar Authority may, by notice in writing, require the owner, or person claiming to be the owner of any building or land which by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time to be fixed in the notice

Improper use of land

41. The Bazar Authority may, by notice in writing, require the owner, lessee or occupier of any land to abstain from the improper use of the same whether by quarrying, or by removing the earth, sand, stone or gravel, or by digging a tank, well or pit.

Dangerous Buildings and Places.

Power to require
buildings, wells,
tanks, etc., to be
secured.

42 If any building, or any well, tank or other excavation is, for want of sufficient repair, protection or enclosure, dangerous to persons passing by, or dwelling or working in the neighbourhood, the Bazar Authority may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the same, and, if it appears to him to be necessary in order to prevent imminent danger, he shall forthwith take such steps as are necessary to avert the danger

Buildings, etc, in
ruinous or dangerous
state.

43 If any building, wall or structure, or anything affixed thereto, is deemed by the Bazar Authority to be in a ruinous state or in any way dangerous, he may, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to it as he considers necessary for the public safety ; and, if it appears to him to be necessary, in order to prevent imminent danger, the Bazar Authority may forthwith take such steps as are necessary to avert the danger.

Boundaries, Trees, etc.

Boundary-walls,
hedges and fences.

44. (1) The Bazar Authority may, by public notice, prohibit the construction of boundary-walls, hedges or other fences of any material or description which is, in his opinion, unsuitable, unsightly or otherwise objectionable.

(2) The Bazar Authority may, by notice in writing, require the lessee or occupier of any land—

- (a) to remove from the land any boundary-wall, hedge or other fence which is, in his opinion, unsuitable, unsightly or otherwise objectionable ;
- (b) to construct on the land sufficient boundary-walls, hedges or other fences of such material, description and dimensions as may be specified in the notice ,
- (c) to maintain the boundary-walls, hedges or other fences on the land in good order.

Explanation—In this section, the expression “ boundary-walls, hedges or other fences ” includes all necessary gates and the posts or pillars thereof.

45. (1) No tree of mature growth, whether standing in any private enclosure or not, shall be felled without the previous sanction of the Bazar Authority Felling of trees of mature growth.

(2) Where, in the opinion of the Bazar Authority, the felling of any tree of mature growth standing in a private enclosure is necessary for sanitary reasons, the Bazar Authority may, by notice in writing, require the lessee or occupier of the land to fell the tree within a time to be specified in the notice.

Markets and Slaughter-houses.

46. No person shall in any market sell, or expose for sale, any article of food or drink for human consumption which is unfit therefor. Sale in markets of articles unfit for human consumption.

47. (1) The Bazar Authority may fix and abolish places either within, or with the sanction of the Agent to the Governor-General beyond, the limits of the Residency Bazars for the slaughter of animals or any specified description of animals for sale, and may with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the Bazar Authority charge rent or fees for the use of the same. Places for slaughter of animals.

(2) When any such place has been fixed, no person shall slaughter any such animal for sale within the Residency Bazars at any other place.

(3) Whoever slaughters any such animal at any other place for sale within the Residency Bazars shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

48. (1) The Bazar Authority may charge for the occupation or use of any stall, shop, standing, shed or pen in a public market and for the right to expose goods for sale in a public market and for weighing and measuring goods sold therein, such stallages, rents and fees as shall, from time to time, be fixed by it, in this behalf. Levy of stallages, rents and fees in public markets.

(2) A copy of the table of stallages, rents and fees (if any) leviable in any public market under sub-section (1), printed in the English language and in such other language or languages, as the Bazar Authority may direct, shall be affixed in some conspicuous place in the market.

Burial and Burning places.

Powers in respect of
burial and burning
places.

49. (1) No burial or burning ground, whether public or private shall be made or formed after the commencement of this Regulation without the permission in writing of the Agent to the Governor-General

(2) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the dates fixed thereunder for closing the same, he shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

(3) The Agent to the Governor-General may, by notification, prescribe routes for the removal of corpses to burial or burning places.

Inflammable materials.

Inflammable
materials.

50. The Bazar Authority may, where it appears to him to be necessary for the prevention of danger to life or property, by public notice prohibit all persons from stacking or collecting dry grass, straw or other inflammable materials, or placing mats, or erecting booths or thatched huts, or lighting fires in any place or within any limits specified in the notice.

Water-pipe, privies and drains.

Cesspools, receptacles
for filth, etc.

51. The Bazar Authority may, by notice in writing,—

(a) require any person having the control, whether as owner, lessee or occupier, of any land or building—

(i) to close any offensive cesspool belonging to the land or building,
or

(ii) to provide a receptacle (of pattern, if any, approved of by the Bazar Authority) for filth accumulating on or in the land or building, or.

(iii) to keep in a cleanly condition (in such manner, if any, as may be prescribed by the notice) any receptacle provided for such filth ; or

(iv) to prevent the water of any private latrine, urinal, sink or bath-room, or any other offensive matter, from soaking, draining, flowing or being put from the land or building upon any

- street or public place or into any water-course or into any drain not intended for the purpose ; or
- (b) require the owner or other person having the control of any private latrine or urinal not to put the same to public use ; or
 - (c) where any plan for the construction of private latrines or urinals has been approved of by the Bazar Authority and copies thereof may be obtained free of charge on application,—
 - (i) require any person repairing or constructing a private latrine or urinal not to allow the same to be used until it has been inspected by, or under the direction of, the Bazar Authority and approved of by him as conforming with that plan, or
 - (ii) require any person having the control of a private latrine or urinal to rebuild or alter the same in accordance with that plan ;
 - (d) require the owner or other person having the control of any private latrine or urinal which, in the opinion of the Bazar Authority, creates a nuisance, to remove the latrine or urinal, and to substitute fresh earth, to such a depth, not exceeding two feet, as may be specified in the notice, for the earth on which the latrine or urinal stood , or
 - (e) require any person having the control, whether as owner, lessee or occupier, of any land or building,—
 - (i) to have any latrine provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by, or dwelling or working in, the neighbourhood, or
 - (ii) to cleanse with deodorants any latrine or urinal belonging to the land or building ; or
 - (f) require any person who has the control, whether as owner, lessee or occupier, of any land or building, and has allowed any offensive matter or rubbish to accumulate or remain thereon or therein, to collect the same and deposit it, for removal by the public conservancy establishment, at such times and in such receptacles or places, situate at not more than one hundred feet from the nearest boundary of the premises, as may be specified in the notice ; or
 - (g) where any land or building is situate within one hundred feet of a public drain or other place set apart for the discharge of drainage and the drains belonging to the land or building are, in the opinion of the Bazar Authority, insufficient, require any

person having control of the land or building, whether as owner or lessee or, in the case of neighbouring lands or buildings, the several lessees or owners having control of the lands or buildings conjointly, to provide sufficient drainage within fifteen days from the service of the notice ; or

(h) require any person to desist from making or altering any drain leading into a public drain ; or

(i) require any person who is creating, or likely to create, a nuisance by—

(i) altering, obstructing or encroaching upon a public drain, or

(ii) impeding the flow of water owing to the absence of a culvert or the existence of an insufficient culvert under a path leading to his premises,

to desist therefrom ; or

(j) require any person who is constructing or laying a drain to obey any directions which the Bazar Authority may think fit to give in order to ensure the completion of the work to his satisfaction ; or

(k) require any person, being the owner and having the control of any drain to provide and apply to the same, within ten days from the service of the notice, such covering as may be specified in the notice ; or

(l) require any person having the control of a drain to remove, within a period to be specified in the notice, any obstruction from the same, or to cleanse, purify, repair or alter the same or otherwise put it in good order ; or

(m) require any person, being the owner, or having the control of any well, to disinfect or otherwise purify the same or protect it against contamination, in such manner and within such period as may be specified in the notice.

Provision of latrines,
etc.

52. (1) The Bazar Authority may, by notice in writing, require the owner or lessee of any building or land, in such manner as may be specified in the notice, to remove or provide any latrine, urinal, cesspool or other receptacle for filth, or to provide any additional latrines, urinals, cesspools or other receptacles as aforesaid which should, in his opinion, be provided for the building or land.

(2) The Bazar Authority may, by notice in writing, require any person employing more than twenty workmen or labourers to provide such latrines,

and urinals as he may think fit, and to cause the same to be kept in proper order and to be daily cleansed.

53. The Bazar Authority may, by notice in writing, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, reservoir or other water source, to remove or close the same within one week. Removal of latrines, etc., near any source of water-supply.

54. The Bazar Authority may, by notice in writing, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private land, well, reservoir, pool or excavation therein which appears to him to be injurious to health or offensive to the neighbourhood. Power to require drainage, etc., of unwholesome land, etc.

Buildings and ground in insanitary condition.

55. (1) Where it appears to the Bazar Authority that any block of buildings is, by reason of the manner in which the buildings are crowded together, in an unhealthy condition, it may cause the block to be inspected by a special committee consisting of— Removal of overcrowded buildings.

- (a) the Residency Surgeon of the district, or, if his services are not available, some other medical officer of the Government, and
- (b) the Executive Engineer, or some person deputed by the Executive Engineer in this behalf.

(2) The special committee shall make a report in writing to the Bazar Authority on the sanitary condition of the block; and, if it considers that the overcrowded condition thereof is likely to cause risk of disease to the inhabitants of the buildings or of the neighbourhood, or to endanger the public health, it shall clearly indicate, on a plan verified by the Executive Engineer, or by the person deputed by him to serve on it, the buildings which should, wholly or in part, be removed in order to abate the unhealthy condition of the block.

(3) If upon receipt of such report, the Bazar Authority is of opinion that all or any of the buildings indicated should be removed, he may, by notice in writing, require the owners thereof to remove them :

Provided, first, that the Bazar Authority shall make compensation to such owners for any buildings which may have been erected under proper authority ; and

Provided, secondly, that the Bazar Authority may, if it appears to him to be equitable under the circumstances to do so, pay to such owners such sum as he may think fit as compensation for any buildings which may not have been erected under proper authority

(4) The sum payable as compensation under the first proviso to sub-section (3) may be settled by mutual agreement between the Bazar Authority and such owners as aforesaid, or, in default of agreement, by a committee of arbitration appointed by the Agent to the Governor-General.

Explanation—In this section, the word “buildings” includes enclosure walls or fences connected with buildings.

Reduction of number of inmates of overcrowded dwelling.

56. Where it appears to the Bazar Authority that any building used as a dwelling is so overcrowded as to endanger the health of the inmates thereof, he may, after such inquiry as he thinks fit, by notice in writing, require the owner or occupier, within a time to be specified in the notice, to abate the overcrowding of the building by reducing the number of lodgers, tenants or other inmates.

Power to require that building be repaired or altered so as to remove sanitary defects.

57. (1) Where any building is so ill-constructed or dilapidated as to be, in the opinion of the Bazar Authority, in an insanitary state, the Bazar Authority may, by notice in writing, require the owner, within a time to be specified in the notice, to execute such repairs, or to make such alterations, as he may think necessary in order to remove such defects.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted on the building to which the notice relates.

Explanation.—A notice issued under sub-section (1) shall be deemed to have been complied with if the owner of the building to which it relates has, instead of executing the repairs or making the alterations directed by the notice, removed the building.

Power to require owner to clear away noxious vegetation.

58. The Bazar Authority may, by notice in writing, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appear to be injurious to health or offensive to the neighbourhood.

Power to trim hedges and trees bordering on streets.

59. The Bazar Authority may, by notice in writing, require the owner or occupier of any land within three days to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger therein, or which so overhang any well, tank or other water source as to be likely to pollute the water thereof.

Power to have building or land cleansed.

60. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the Bazar Authority may, by notice in writing, require him within twenty-four hours to cleanse the same or otherwise put it in proper state.

Powers in respect of building unfit for habitation.

61. If any building appear to the Bazar Authority to be unfit for human habitation in consequence of the want of proper means of drainage or

ventilation, or for any other sufficient reason, the Bazar Authority may, by notice in writing, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be used until he is satisfied that it has been rendered fit for such use.

62. If the owner of a bungalow, which, before the commencement of this Regulation, has by custom, agreement, or order of the Agent to the Governor-General, been set apart for the residence of European officials, allows the same to fall into an insanitary, dilapidated or uninhabitable condition, and fails, within a reasonable time, to carry out such repairs as the Bazar Authority may by written notice direct, the Agent to the Governor-General may, after giving the owner fifteen days' notice in writing proceed either to dispose of the building by public auction, on such conditions as he may think fit to impose, or resume or acquire the site after payment to the owner of such compensation as may appear to the Agent to the Governor-General to be equitable in the circumstances.

63. (1) If it appears to the Bazar Authority, on the report of the Residency Surgeon, that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of the Residency Bazars is injurious to the health of persons dwelling in the neighbourhood, he may, by notification, prohibit the cultivation of the crop, the use of the manure, or the irrigation so reported to be injurious, or regulate such cultivation, use or irrigation by imposing such conditions thereon as may prevent injury :

Cultivation, use of manure or irrigation injurious to health, after prohibition.

Provided that when on any land to which such notification applies the act prohibited has been practised during the five years next preceding the notification in the ordinary course of husbandry, compensation shall be paid from the Residency Bazars Fund to all persons interested therein for any damage caused to them by the effect of such notification.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section (1), he shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the date of such conviction during which the offence is proved before a Magistrate to have been persisted in.

House accommodation.

64. If, before the commencement of this Regulation, any bungalow has, by custom, agreement, or order of the Agent to the Governor-General, been set apart as a residence for European officials, the Bazar Authority may, with

the previous sanction of the Agent to the Governor-General, by notice in writing,—

- (i) require the owner to let the house to the officer named in the notice ;
- (ii) require the existing tenant to vacate the same ;
- (iii) fix the rent payable by the officer named in the notice.

Registration of trades.

Regulation
of offensive and
dangerous trades.

65. (1) The owner or occupier of every place within the Residency Bazars used for any of the following purposes, namely :

- melting tallow ; or boiling bones, offal or blood ; or
- as a soap house, oil-boiling house, dyeing house or tannery ;
- as a brick-kiln, pottery or lime-kiln ;
- or any other manufactory or place of business from which offensive or unwholesome smells arise ; or
- as a yard or depôt for trade in hay, straw, thatching grass, wood, coal or other highly inflammable material, or
- as a store-house for kerosine, petroleum, naphtha or any inflammable oils, spirit or explosive substance ;

shall register the same in a book to be kept by the Bazar Authority for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the Bazar Authority, which shall be renewable annually.

(3) The license shall not be withheld unless the Bazar Authority considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in or frequenting the immediate neighbourhood.

(4) The Bazar Authority may charge such fees for such licenses, and may impose such conditions in respect thereof as the Agent to the Governor-General may approve.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day during which the offence is proved before a Magistrate to have been persisted in after he has been convicted thereof ; and the Bazar Authority may, after conviction, by notice in writing, direct that the use of such place for such purpose shall be discontinued.

(6) The Bazar Authority or any person specially authorized by him in writing in this behalf, may at any time enter and inspect any place or building which there is reason to believe is used without license for any of the purposes enumerated in this section.

66. (1) If it is shown to the satisfaction of the Bazar Authority that any place licensed under section 65 is a nuisance to the neighbourhood, or likely to be dangerous to life, health or property, he may, by notice in writing, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the Bazar Authority, render it no longer a nuisance or dangerous. Power to prohibit such trades

(2) Whoever, after such notice has been given, uses the place, or permits it to be used in disregard of such requisition shall, on conviction, be punished with fine which may extend to two hundred rupees and with further fine which may extend to forty rupees for every subsequent day during which the offence is proved before a Magistrate to have been persisted in.

67. Every book or paper printed within the Residency Bazars shall have printed legibly on it the name of the printer and the place of printing and (if the book or paper be published) of the publisher and the place of publication. Particulars to be printed on books and papers.

68. No person shall, within the Residency Bazars, keep in his possession any press for the printing of books or papers who shall not have made and subscribed the following declaration before the Bazar Authority— Keeper of printing press to make declaration.

“I, A. B., declare that I have a press for printing at and this last blank shall be filled up with a true and precise description of the place where such press may be situate.

69. When any notice under this chapter requires any act to be done for which no time is fixed by the Regulation, it shall fix a reasonable time for doing the same. Execution of acts required to be done by any notice.

70. The Bazar Authority may make compensation out of the Residency Bazars Funds to any person sustaining any damage by reason of the exercise of any of the powers vested in the Bazar Authority, his officers and servants under this Regulation, and shall make such compensation where the person sustaining the damage was not himself in default in respect of the matter in respect of which the power was exercised: where the compensation is claimable on account of injury to buildings, it shall be settled by mutual agreement between the Bazar Authority and the owners of the said buildings, or, in default of agreement, by a committee of arbitration appointed by the Agent to the Governor-General. Compensation for damage caused by exercise of powers under this Regulation.

APPOINTMENT OF AGENTS BY ABSENTEE OWNERS.

71. (1) Whoever, being the owner of any building in the Residency Bazars, is absent therefrom, shall appoint some person residing in or near the Residency Bazars to act as his agent for all the purposes of this Regulation and shall notify such appointment to the Bazar Authority. Duty of absentee owner to appoint agent.

(2) Whoever fails to appoint an agent, as required by sub-section (1), shall be punishable with fine which may extend to twenty rupees, and, in the case of a continuing failure, with an additional fine, not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

CHAPTER VII.—POWERS OF ENTRY AND INSPECTION.

72. The Bazar Authority, by himself or by any person generally or specially authorised by him in this behalf, may enter into or on, and inspect any building or land in, on, or in respect of which the Bazar Authority has reason to believe—

- (a) that a breach of any of the provisions of this Regulation or of the rules made under it has been committed ; or
- (b) that any notice issued under this Regulation has not been duly complied with ; or
- (c) that any conditions imposed under this Regulation have not been duly observed ; or
- (d) that any notice should be issued under this Regulation.

Inspection of drains,
privies and cesspools.

73. (1) The Bazar Authority, or any person authorised by him in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drain, privy or cesspool is situated, inspect any such drain, privy or cesspool, and may, if necessary, cause the ground to be opened wherever he may think fit for the purpose of preventing or removing any nuisance arising therefrom.

(2) If on such inspection it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner of the land or building or by the occupier, as the Bazar Authority may direct ; but if it is found that no nuisance exists, or but for such opening would have existed, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be paid from the Residency Bazars Fund.

Power to enter and
inspect buildings,
etc.

74. The Bazar Authority, or any person authorised by him in this behalf, may after giving twenty-four hours' notice in writing to the occupier, or if there is no occupier to the owner, of any building, enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

75. The Bazar Authority, or any person authorised by him in his behalf, may, after giving twenty-four hours' notice in writing to the occupier, or if there is no occupier, to the owner, of any building or land—

- (a) enter on and survey and take levels of any land ; or
- (b) enter, inspect and measure any building for the purpose of valuation ; or
- (c) enter into any building or any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work authorised by this Regulation.

76. The Bazar Authority, or any person authorised by him in this behalf, may enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Regulation, for which a license has not been duly taken out.

77. The Bazar Authority, or any person authorised by him in writing in this behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for human consumption, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein, and if any article of food or drink, or any animal therein appears to be intended for human consumption and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed, or to be so disposed of, as to prevent its being exposed for sale or used for such consumption.

And, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof, and for his orders as to its disposal.

78. Every entry made under any of the foregoing sections 72 to 77 shall be made between sunrise and sunset :

Provided that, if in any such case the authority empowered by any of the said sections to make or authorize an entry thinks it necessary, in the interests of the public health, or safety, that entry should be made at any other time, it may, for reasons to be recorded in writing, make such entry, or authorize it to be made, at any reasonable time between sunset and sunrise.

79. (1) The Bazar Authority may provide for the performance by his agents of the duties usually performed by sweepers in respect of any buildings

Other powers of entry on building or land.

Power to enter for discovery of vehicles or animals liable to taxation.

Power to inspect places for sale of food or drink, etc., and to seize unwholesome articles exposed for sale.

Time of entry.

Power of entry for purposes of scavenging.

or lands, or of any drains, privies, cesspools or other receptacles for offensive matters pertaining to buildings or lands.

(2) Such provision may be made in respect of individual buildings or lands, or of buildings or lands generally.

(3) Nothing in this section or section 9 shall be deemed to preclude the Bazar Authority from making provision of a different nature for different buildings or lands, and charging scavenging tax at different rates therefor or from exempting wholly or in part from such tax at his discretion any individual who has made arrangements to his satisfaction for the performance of the duties aforesaid.

(4) When the Bazar Authority has undertaken to provide for the performance by his agents of such duties as aforesaid, the persons employed by him to perform the same may enter on the property at all reasonable time so far as may be necessary for the proper discharge of those duties ; and the Bazar Authority, or any person authorized by him in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

CHAPTER VIII—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

Discharging sewage. 80 Whoever, without the permission of the Bazar Authority, causes or allows the water of any sink, sewer or cesspool or any other offensive matter, to pass or be put upon any street or public place, or into any sewer or drain not set apart for the purposes, shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

Non-removal of filth etc. 81. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth, or any noxious or offensive matters, in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

Making or altering drains without authority. 82. Whoever, without the permission of the Bazar Authority, makes or causes to be made, or alters or causes to be altered, any drain leading into any public sewer or drain under the management of the Bazar Authority, shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

Penalty for making or keeping latrines, etc., near any source of water-supply. 83. Whoever makes, without the permission of the Bazar Authority, or keeps for a longer time than one week after notice to remove issued under section 53, any drain, latrine, urinal, cesspool or other receptacle for filth or

refuse within fifty feet of any spring, well, tank, reservoir or other water source, shall on conviction by a Magistrate, be punished with fine which may extend to twenty rupees, and when a notice has been issued, with a further fine which may extend to five rupees for each day during which the offence is proved before a Magistrate to have been persisted in after the lapse of the period allowed for removal.

84. Whoever keeps any swine in disregard of any orders which the Bazar Authority may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the date of the conviction during which the offence is proved before a Magistrate to have been persisted in.

85. Whoever, while suffering from an infectious, contagious, or loathsome disorder—

- (i) makes or offers for sale any article of food or drink for human consumption, or any medicine or drug, or,
- (ii) takes any part in the business of washing, or of carrying soiled clothes,

shall be punished with fine which may extend to twenty rupees.

86. Whoever drives any vehicle after dark in any public street or any thoroughfare unless the vehicle is properly supplied with lights, or there is sufficient moonlight to render lights unnecessary, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

87. Whoever discharges fire-arms or air-guns or lets off fire-works or fire-balloons, or engages in any game in such a manner as to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

88. Whoever, without the permission of the Bazar Authority, or contrary to his directions, takes any elephant or camel or joins in any procession along any street, or plays or causes to be played any music in any such procession shall, on conviction by a Magistrate, be punished with fine which may extend to one hundred rupees.

89. Whoever being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any street or public place, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

Altering, obstructing
or encroaching upon
streets, etc.

90 Whoever, without the permission of the Bazar Authority, alters obstructs or encroaches upon any street or public drain, aqueduct or sewer, or displaces, takes up, or alters the pavement or other materials or the fences or posts of any street or public place, or deposits building materials or makes any hole or excavation on or in any street, shall, on conviction by a Magistrate, be punished with fine which may extend to one hundred rupees.

Loitering or impor-
tuning for sexual
immorality.

91. Whoever, in any street or public place in the Residency Bazars, loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality, shall be punished with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees :

Provided that no person shall be charged with a breach of the provisions of this section except on the complaint of the person importuned, or of a police officer not below the rank of a Sub-Inspector and specially authorised in this respect by the Residency Magistrate in whose presence the breach was committed, or of a member of the British military police force employed in the Residency Bazars and specially authorised in this behalf by the Officer Commanding troops in the Residency, in whose presence the breach was committed.

Destroying direction-
posts, lamp-posts, etc.

92. Whoever, without being authorised by the Bazar Authority, defaces or disturbs any direction-post or lamp-post, or extinguishes any light in any street or public place, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

Penalty for printing,
publishing or keeping
a press contrary to
rules in sections 67
and 68.

93. Whoever prints or publishes any book or paper otherwise than in conformity with the provisions of section 67 of this Regulation, or keeps in his possession any such press as aforesaid without making such a declaration as is required by section 68 of this Regulation, shall, on conviction by a Magistrate be punished with fine not exceeding five rupees or with expulsion from the bazars, or with both.

94. * * * * *

94 A. * * * * *

Penalty for disobe-
dience of orders under
Chapter VI.

95. Whoever disobeys any lawful directions given by public notice or disobeys any written notice lawfully issued under the powers conferred by Chapter VI or by rules under section 98 of this Regulation, or fails to comply with the conditions subject to which any permission was given to him under

¹ Rescinded by notification No. 1882-G, dated the 6th October 1911 *Gazette of India*, 1911, Pt I, p. 816.

those powers, shall, if the disobedience or commission is not an offence punishable under any other section, on conviction before a Magistrate, be punished with fine which may extend to fifty rupees, and in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the date of the conviction during which the offence is proved before a Magistrate to have been persisted in :

Provided that when the notice fixes a time within which a certain act is to be done and no time is specified in this Regulation, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of the Regulation.

CHAPTER IX.—CONTROL.

96. The Bazar Authority shall be subject in all respects to the control of Control. the Agent to the Governor-General.

97. The Agent to the Governor-General may, by notification in the Vaccination. *Residency Orders*, declare that vaccination shall be compulsory in the Residency Bazar from a date to be fixed in the notification, and thereupon the prohibitions of the Compulsory Vaccination Act, III of 1880, shall, so far as may be possible, be applicable thereto.

98. (1) The Agent to the Governor-General may, from time to time, make Rules. rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for—

- (a) where a committee has been appointed under section 2, clause (9),
 - (i) the duties and term of office of members,
 - (ii) the conduct of proceedings at meetings ;
- (b) the assessment and recovery of taxes, fees, and monies claimable under this Regulation, and for preventing evasion of the same ;
- (c) the authority on which money may be paid from the Residency Bazar Fund ;
- (d) the conditions on which property in the Residency Bazars may be transferred by sale, mortgage, lease, exchange or otherwise ;
- (e) the control of traffic, public processions and music ;
- (f) the registration of births and deaths, the regulation of vaccination, compulsory or otherwise, and the taking of a census ;
- (g)*¹ ;
- (h) the offences under this Regulation or under rules made or enactments extended thereunder which shall be cognizable by the police ;

¹ Rescinded by notification No. 729-D, dated the 18th March 1913. *Gazette of India*, 1913, Pt. I, p. 244.

- (i) the proper regulation of buildings let in lodgings or occupied by more than one family ;
- (j) the proper regulation of cattle pounds dhobis' ghâts, and serais ;
- (k) the prevention and treatment of infectious or contagious disorders ;
- (l) the regulation and guidance of committees of arbitration appointed under sections 55 and 70, and for the conduct of proceedings at meetings ;

¹[(m) * ²

- (n) the exemption of persons or localities from the provisions of this Regulation ; and

(o) generally for the purposes of this Regulation]

(3) In making any rule under this section, the Agent to the Governor General may direct that a breach of it shall be punished, on conviction by a Magistrate, with fine which may extend to fifty rupees, and when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the date of such conviction during which the breach is proved before a Magistrate to have been persisted in.

(4) No rule under sub-section (i) shall come into force until it has been notified by the Agent to the Governor-General.

Removal and exclusion from Residency Bazars of disorderly persons, etc.

99. (1) The Residency Magistrate may on receiving information that any person, whether resident in or frequenting the Residency Bazars—

- (a) is a disorderly person keeping or frequenting a common gaming-house, a disorderly drinking-shop or a disorderly house of any other description, or
- (b) has been convicted more than once, either within the Residency Bazars or elsewhere, of an offence punishable under Chapter XVII of the Indian Penal Code, or
- (c) has been ordered, under Chapter VIII of the Code of Criminal Procedure, 1898, either within the Residency Bazars or elsewhere, to execute a bond for his good behaviour,

may make an order in writing, setting forth the substance of the information received, and issue a summons requiring the persons to show cause why he should not be required to remove from the Residency Bazars and be prohibited from re-entering it.

(2) Every summons issued under sub-section (1) shall be accompanied by a copy of such order as aforesaid, and the copy shall be delivered by the officer serving the summons to the person served with the same.

¹ Substituted for the original clause " m " by paragraph (2) of notification No. 4256-I.B., dated the 1st November 1907. *Gazette of India*, 1907, Pt. I, p. 998.

² See footnote 1 on previous page.

(3) The Residency Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received, and take such further evidence as he thinks fit, and if, upon such inquiry, it appears to him to be necessary for the maintenance of good order that the person should be required to remove from the Residency Bazars and be prohibited from re-entering it, the Residency Magistrate shall report the matter to the Agent to the Governor General, and, if the Agent to the Governor General so directs, shall issue a notice in writing requiring the person to remove from the Residency Bazars within a time to be specified in the notice and prohibiting him from re-entering it without the permission in writing of the Agent to the Governor General.

100. The Agent to the Governor General, if he thinks it expedient to exclude any person from the Residency Bazars, whether with or without assigning any reason therefor, shall send to the Residency Magistrate an order in writing to that effect, and the Residency Magistrate shall cause a copy of the order to be served on the person, together with a notice in writing requiring him to remove from the Residency Bazars within a time to be specified in the notice, and prohibiting him from re-entering it without the permission in writing of the Agent to the Governor General :

General power of removal and exclusion from the Residency Bazars

Provided that no such order as aforesaid shall be made—

(a) where the only reason for making it is that the person—

- (i) is disorderly, or
- (ii) has been convicted of an offence punishable under Chapter XVII of the Indian Penal Code, or
- (iii) has been ordered under Chapter VIII of the Code of Criminal Procedure, 1898, to execute a bond for his good behaviour.

101. Whoever, knowing that any person has, under section 99 or section 100, been required to remove from the Residency Bazars and has not obtained the requisite permission to re-enter it, harbours or conceals such person in the Residency Bazars, shall be punished with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

Harbouring or concealing person ordered to remove from and prohibited from re-entering the Residency Bazars.

102. If any member, officer, or servant of the Bazar Authority is, otherwise than with the permission in writing of the Agent to the Governor General, directly or indirectly interested in any contract made with the Bazar Authority, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

Penalty on member officer or servant of Bazar Authority being interested in contract made with Bazar Authority.

103. No suit or prosecution shall be entertained by any Court against the Bazar Authority or any officer or person for anything in good faith done, or purporting to be done, in pursuance of powers conferred by or under this

Suits and prosecutions against Bazar Authority

Regulation on such Bazar Authority, officer or person, whether the thing done was or was not authorized by the powers so conferred.

Execution in case of failure and recovery of cost thereof.

104. (1) Where any person fails to perform any act which he has, by a notice issued under this Regulation, been required to perform, the Bazar Authority may cause the act to be performed and may recover the cost from him.

(2) Any monies recoverable by the Bazar Authority under sub-section (1) may be recovered either by suit or on application to a Magistrate having jurisdiction in the Residency Bazars, by distress or sale of the moveable property of the person from whom the money is recoverable, and, if recoverable from the owner of property, shall, until it is paid, be a charge on the property.

Acquisition of land.

105. When any land situate within the Residency Bazars is required by the Bazar Authority, for the purposes of this Regulation, he may proceed to the acquisition of any houses or buildings there may be on such land at the expense of the Residency Bazars Fund, and the compensation to be paid to the owners of such houses or buildings shall be fixed in general accordance with the provisions of section 70.

106. No Judge or Magistrate shall be deemed to be a party to, or interested in, any prosecution for an offence punishable under this Regulation or any rule thereunder or any other law, within the meaning of section 556 of the Code of Criminal Procedure, 1898, or because as Bazar Authority he merely approved the prosecution.

Conduct of prosecution under this Regulation.

107. Subject to such rules as the Agent to the Governor-General may make under section 98 prescribing the offences which shall be cognizable by the police, no Court shall take cognizance of an offence punishable under this Regulation or under any enactment extended or rule made thereunder except on the complaint of the Bazar Authority or of some person authorized by him in this behalf.

In default of payment of any fine imposed under this Regulation or any enactment extended or rule made thereunder, the defaulter shall be liable to simple imprisonment for a term not exceeding eight days.

Saving of prosecution under other laws.

108. Nothing contained in this Regulation shall be construed to prevent any person from being prosecuted under any other law for any offence made punishable by this Regulation or from being liable under any other law to any higher penalty or punishment than is provided for such offence by this Regulation or by any rules made thereunder

Provided that no person shall be punished twice for the same offence.

Recovery of taxes, etc

109. Any arrear of any tax or any fee or other money claimable by or on behalf of the Bazar Authority may, in addition to any manner provided under

section 98, be recovered on application to a Magistrate having jurisdiction within the limits of the Residency Bazars by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable, and if payable by the owner in respect of any property, moveable or immovable, such arrear shall be a charge on the property.

110. No act done nor any proceeding taken under this Regulation shall be questioned on account of any defect or irregularity not affecting the merits of the case. Irregularities not to invalidate proceedings.

[*Gazette of India*, 1904, Pt. I, p 508]

No. 2585-I B, dated the 14th July 1904 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased, with effect from the first day of August 1904, to provide as follows for the production, sale, possession and import of spirit, fermented liquors and intoxicating drugs *and opium or any preparation or admixture thereof* and the collection of the revenue derived therefrom, within the *Indore Residency Bazars*. Residency Bazars Excise Law. 1904.

1. This law may be called the "*Indore Residency Bazars Excise Law*, Short title. 1904."

2 (1) In this law unless there is anything repugnant in the subject or context :—

(a) "*Second Assistant to the Agent to the Governor-General*" means the Assistant to the Agent to the Governor-General in Central India next in seniority to the First Assistant,

(b) "*tari*" means the sap of any kind of palm tree;

(c) "*fermented liquor*" means malt liquor, wine, pachwai and fermented tari, and shall in any provision of this law, if the Agent to the Governor-General in Central India, subject to the control of the Governor-General in Council, so directs, include any other fermented liquor, and also tari, though it may not have perceptibly begun to ferment,

(d) "*spirit*" means any liquor containing alcohol obtained by distillation;

¹[(e) "*intoxicating drug*" means—

(e) morphia and all alkaloids, preparations and admixtures of opium, but not opium in an unprepared state or the capsules of the poppy plant;

¹ Substituted by notification No. 1767-I B., dated the 18th August 1911. *Gazette of India*, 1911, Pt I, p 649.

- (i) the leaves and flowering tops of the hemp plant (*Cannabis sativa*) and ganja, bhang, charas and every similar preparation made therefrom ;
- (ii) the leaves of the coca plant (*Erythroxylum coca*), cocaine and every other preparation and derivative of the said plant ;
- (iv) any other intoxicating drink or substance which the Local Government may by notification specify in this behalf ; and
- (v) every preparation or admixture of any article mentioned in sub-clauses (i) to (iv) above.]
- (f) "tola" means a weight of one hundred and eighty grains Troy ;
- (g) "ser" means a weight of eighty tolas ;
- (h) "import" means to bring into any place to which this law extends, from any place beyond the limit of such places respectively ;
- (i) the articles next hereinafter mentioned shall be deemed to be sold "by retail" when sold in quantities not exceeding those next hereinafter specified in respect of them, that is to say—
foreign spirit or foreign fermented liquor, two imperial gallons or twelve reputed quart bottles ;
country spirit, one ser ;
country fermented liquor, four sers ;
bhanga or any preparation or admixture thereof, twenty tolas ;
ganja or charas, or any preparation or admixture thereof, five tolas ;
opium or any preparation or admixture thereof, ten tolas ;
poppy heads, ten sers ,

if sold in larger quantities, they shall be deemed to be sold "wholesale."

(2) In any case in which doubt arises the Agent to the Governor-General in Central India may decide what, for the purposes of this law, shall be deemed to be "country spirit," "country fermented liquor," "foreign spirits" and "foreign fermented liquor ;" and his decision shall be binding on the courts.

Manufacture of spirit and liquor without license prohibited.

3. No person shall construct, work or possess a distillery, still, or brewery, or manufacture fermented liquor except under a license granted by the *Second Assistant to the Agent to the Governor-General* and in accordance with the conditions (if any) contained therein.

Duty on spirit and fermented liquor.

4. No person shall remove any spirit or fermented liquor from any distillery, still, or brewery licensed under section 3 until—

- (a) such duty as the Agent to the Governor-General in Central India, with the previous sanction of the Governor-General in Council, may from time to time fix in respect of such spirit or fermented liquor has been paid ; or
- (b) a bond for such duty has been executed.

5. The Agent to the Governor-General in Central India may, from time to time, make rules as to— Powers to make rules as to distilleries and breweries.

- (a) the granting of licenses for distilleries, stills, and breweries under section 3 ;
- (b) the notices to be given by the proprietor of a licensed distillery of licensed brewery when he commences and discontinues work ;
- (c) the size and description of the stills ,
- (d) the storing and passing out of the spirit made in such distillery or of the fermented liquor made in such brewery and the contents of the passes ,
- (e) the inspection and examination of such distillery or brewery, and the warehouses connected therewith, and of the spirit or fermented liquor made and stored therein , and
- (f) the furnishing of statements of the spirit and the stills, coppers casks and other utensils in such distillery, or of the fermented liquor and the mash-tuns, under-backs, wort-receivers, coppers, heating tanks, coolers, and collecting, fermenting, and other vessels in such brewery.

¹ [6. (1) No person shall—

- (a) cultivate the poppy ;
- (b) manufacture opium ;
- (c) prepare any preparation or admixture of opium in excess of the quantity which he is authorised to possess under section 15 ;
- (d) cultivate any plant from which any intoxicating drug can be produced ;
- (e) prepare any intoxicating drug in excess of the quantity which he is authorised to possess under section 15,

Cultivation of poppy and of the hemp plant, and manufacture of opium and preparation of intoxicating drugs, etc., prohibited.

except under a license granted by the Second Assistant to the Agent to the Governor-General in Central India and in accordance with the conditions (if any) contained therein.]

7. No person shall sell any spirit, fermented liquor or intoxicating drug or opium [*in quantities of ten tolas and less*]² or any preparation or admixture thereof * * * *³ except under a license granted by Sale of spirit, fermented liquor or intoxicating drugs, etc., without license prohibited

¹ Substituted }
² Inserted } by notification No 4341-Ex., dated the 24th July 1908 *Gazette of India*,
³ Omitted } 1908, Pt. I, p 675

the *Second Assistant to the Agent to the Governor-General* and in accordance with the conditions (if any) contained therein

Provided as follows :—

- (a) Nothing in this section applies to the sale of any foreign spirit or foreign fermented liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of his representatives in interest, upon his quitting the station or after his decease
- (b) Any person making or producing country spirit or country fermented liquor or preparing intoxicating drugs, ¹[or preparations or admixtures of opium], in accordance with the provisions of this law may, subject to any rules from time to time made by the Agent to the Governor-General in Central India in this behalf sell such spirit, liquor * * ¹drug [or preparation or admixture of opium]¹ to any person licensed under this law, as retail vendor of such spirit, liquor * ¹drug [or preparation or admixture of opium].¹
- (c) No person shall sell any preparation or admixture of opium which is used for the purpose of smoking to any other person ~~in any~~ circumstances.

License for sale of spirit, fermented liquor, intoxicating drugs, and opium, ¹[and preparations or admixtures thereof]

8. (1) Subject to any rules made by the Agent to the Governor-General in Central India under this law, the *Second Assistant to the Agent to the Governor-General* may grant licenses for the sale of foreign spirit or foreign fermented liquor, wholesale or retail, and for the sale by retail of country spirit or country fermented liquor and of intoxicating drugs ~~and of opium~~ ¹[and of preparations and admixtures thereof not used for smoking].

(2) Any license granted under this rule may be cancelled by the *Second Assistant to the Agent to the Governor-General* for any cause specified therein.

Cancellation of license.

9. (1) Whenever the *Second Assistant to the Agent to the Governor-General* considers that the license of a vendor of country spirit, country fermented liquor, intoxicating drugs, or opium ¹[or preparations or admixtures thereof] should be cancelled for any cause other than those specified in such license, he shall remit a sum equal to the amount of the license fee for fifteen days, and shall either give fifteen days' previous notice of his intention to cancel the license, or, in addition to remitting such sum as aforesaid, make such compensation for default of notice as the Agent to the Governor-General in Central India directs.

¹ These words were respectively inserted and omitted by notification No 4341-Exc, dated the 24th July 1908. *Gazette of India*, 1908, Pt I, p 675.

(2) On the expiration of such notice or the payment of such additional compensation, the *Second Assistant to the Agent to the Governor-General* may cancel the said license

10. (1) Any retail vendor licensed under this law may surrender his license on the expiration of one month's previous notice given by him to the *Second Assistant to the Agent to the Governor-General* of his intention to surrender the same and on payment of such sum, not exceeding the amount of the license fee for six months as the *Second Assistant to the Agent to the Governor-General* may fix in this behalf Surrender of license.

(2) If the *Second Assistant to the Agent to the Governor-General* is satisfied that there is sufficient reason for surrendering a license, he may remit the sum so fixed.

11. (1) The *Second Assistant to the Agent to the Governor-General*, with the sanction of the Agent to the Governor-General in Central India, may let in farm— Farming of fees and grant of licenses by farmer.

(a) the fees leviable on licenses for the retail sale of any description of country spirit or country fermented liquor or of intoxicating drugs or of opium;

(b) the right to manufacture country spirit or country fermented liquor,

(c) the right to prepare intoxicating drugs or any preparation or admixture of opium ¹[not used for smoking]

(2) When the fees so leviable, or the right to manufacture such spirit or liquor, or the right to prepare such drugs ¹[or preparation or admixture of opium] are or is let in farm, singly or together, as the case may be, the farmer may, subject to such reservations or restrictions as the *Second Assistant to the Agent to the Governor-General*, with the sanction of the Agent to the Governor-General in Central India may, from time to time, make or impose, grant licenses for the sale by retail, or for the manufacture, or preparation, singly or together, as the case may be, of such articles within the local limits of his farm, and shall file in the office of *Second Assistant to the Agent to the Governor-General* a list of all the licenses granted by him, in such form and on such days as the Agent to the Governor-General in Central India may, from time to time, prescribe in this behalf

12. The *Second Assistant to the Agent to the Governor-General*, with the sanction of the Agent to the Governor-General in Central India, may cancel any farm granted under this law. Cancellation of farm.

13. If any farm granted under this law is cancelled for any cause other than a breach on the part of the farmer of the conditions of the farm, or if Compensation to farmers in certain cases.

¹ Inserted by notification No. 4341-Exc, dated the 24th July 1908 *Gazette of India* 1908, Pt I, p. 675.

any reservation or restriction with respect to the grant of licenses is made or imposed within the term of such farm, the farmer shall be entitled to receive for any loss which he sustains thereby, such compensation as the Agent to the Governor-General in Central India may determine.

Power to make rules
as to supply of tari
to licensed vendors.

14. The Agent to the Governor-General in Central India may, from time to time, make rules to regulate the mode in which tari shall be supplied to licensed vendors of the same.

Possession of spirit,
etc., when lawful.

¹[15. (1) No person shall have in his possession any quantity of any preparation or admixture of opium used for smoking in excess of one tola.

(2) Subject to the provisions of sub-section (1), no person shall have in his possession any quantity of any spirit, fermented liquor or intoxicating drug in excess of that specified in section 2, sub-section (1), clause (2), in respect of such spirit, liquor or drug, except under the authority and in accordance with the terms and conditions of a license or permit granted by the Second Assistant to the Agent to the Governor-General in that behalf.

(3) Nothing in sub-section (2) shall apply to—

- (a) any foreign liquor other than denatured spirit in the possession or any common carrier or warehouseman as such, or
- (b) any foreign liquor lawfully procured by, and in the possession of any person for his own *bona-fide* private consumption and no for sale, or
- (c) *tari* intended to be used solely for the manufacture of *gur* or molasses.

(4) Notwithstanding anything contained in sub-sections (2) and (3), the Agent to the Governor-General in Central India may from time to time by notification in the *Gazette of India* prohibit the possession by any person or class of persons of any spirit, fermented liquor or intoxicating drug, either absolutely or subject to such conditions as he may prescribe, and may by a like notification cancel or vary any such prohibition,

15-B. The Agent to the Governor-General in Central India, with the previous sanction of the Governor-General in Council, may from time to time by notification in the *Gazette of India* prohibit the import, export or transport of any spirit or fermented liquor or intoxicating drug, either absolutely or subject to conditions, and may by a like notification cancel or vary any such prohibition.]

¹ See notification No. 1767-I. B., dated the 18th August 1911. *Gazette of India*, 1911, Pt. I, p. 649.

16. No person shall import any country spirit or country fermented liquor, *¹ intoxicating drugs¹ [or preparations or admixtures of opium] in excess of the quantity which he is authorised to possess under section 15 until he has obtained a pass therefor from the *Second Assistant to the Agent to the Governor-General*² [or such other officers as may be empowered by the Agent to the Governor-General in Central India] and has paid in respect thereof such duty³ [if any] at such time and place and in such manner as the Agent to the Governor-General in Central India, with the previous sanction of the Governor-General in Council, may prescribe :

Provided that any farmer to whom a farm to manufacture, prepare, or sell by retail such spirit, liquor*¹ drug¹ [or preparation or admixture of opium] has been granted under section 11, shall be entitled to import any article included in his farm free of further charge, and that the agent of such farmer or any person licensed by such farmer under section 11, sub-section (2), shall be entitled to import any article included in such farm or license, as the case may be, free of charge on a pass granted by such farmer.

³[16-A. No person shall import into the Indore Residency Bazaars, except under license, opium exceeding in quantity 10 tolas unless it is intended for immediate weighment at the scales, and all opium so imported shall without undue delay be brought to the scales for weighment]

17. The *Second Assistant to the Agent to the Governor-General* may recover any amount due to the Government under this law, or the rules thereunder, by distress and sale of the moveable property of the person from whom such amount is due, or of his surety, or by any other process for the time being in force in British India for the recovery of arrears of land revenue due from landholders or from farmers of land or their sureties.

18. Any Magistrate or Police officer not below the rank of a Sub-Inspector may enter and inspect at any time, by day or by night, the shop or premises in which any manufacturer or vendor licensed under this law carries on the manufacture of country spirit or the sale of country spirit, country fermented liquor or intoxicating drugs or of opium or any preparation or admixture thereof.

19. Any Police officer may stop and detain any person carrying any spirit, fermented liquor, or intoxicating drug, or opium or any preparation or admixture thereof, liable to confiscation under this law, and may seize such

¹ Omitted and inserted by notification No 4341-Exc, dated the 24th July 1908. *Gazette of India*, 1908, Pt. I, p. 675.

² Inserted by notification No. 3953-I. B., dated the 11th October 1907. *Gazette of India*, 1907, Pt. I, p. 930

³ Inserted by notification No. 1653-I. B., dated the 18th August 1910. *Gazette of India*, 1910, Pt. I, p. 790.

spirit, liquor, drug or opium, ¹[or preparation or admixture thereof] together with any vessels, packages or coverings in which it is contained, and any animals and conveyances used in carrying it, and may also arrest the person in whose possession such spirit, liquor, drug, or opium or any preparation or admixture thereof is found.

Power to arrest persons in possession of articles liable to confiscation.

20. Any Police officer in charge of a station or of or above the rank of head-constable may arrest any person having in his possession any article liable to confiscation under this law or engaged in the unlawful sale of any spirit, fermented liquor, intoxicating drug, or opium or any preparation or admixture thereof and may seize such article, spirit, liquor, drug, or opium or any preparation or admixture thereof

Power to search on information of illegal manufacture or possession

21. Whenever any Police officer in charge of a station or of or above the rank of head-constable has reason to believe from information given by any person (which information shall be taken down in writing) that in any place spirit is unlawfully manufactured, or any article liable to confiscation under this law is kept or concealed, such officer may, after sunrise and before sunset, enter into such place and, in case of resistance, may break open any door by force and remove any other obstacle to such entry, and may seize and carry away such spirit or article, and may also arrest the occupier of the place, with all other persons concerned in the manufacture of such spirit or in the keeping and concealing of such article.

Issue of warrant for arrest in certain cases.

22. The *Second Assistant to the Agent to the Governor-General* may issue his warrant for the arrest of any person whom he has any reason to believe, either from information in writing or from the proceedings in any other cases under this or any other law, to be engaged in the unlawful sale of spirit or fermented liquor or intoxicating drugs or of opium, ¹[or of any preparation or admixture thereof] or to have in his possession any article liable to confiscation under this law.

Issue of search warrant in certain cases

23. (1) The *Second Assistant to the Agent to the Governor-General* may issue his warrant for the search of any place in which he has reason to believe, either from information in writing or from the proceedings in any other case under this or any other law, that spirit is unlawfully manufactured, or that any spirit, fermented liquor, intoxicating drug or opium or any preparation or admixture thereof liable to confiscation under this law is kept or concealed

(2) Such warrant may be executed by any Police officer in charge of a station or of or above the grade of head-constable at the time and in the manner prescribed in section 21

¹ Inserted by notification No. 4841-E^xc, dated the 24th July 1908. *Gazette of India*, 1908, Pt. I, p 675.

(3) Whenever the *Second Assistant to the Agent to the Governor-General* thinks that the search should be made after sunset and before sunrise on any particular day, he shall issue a warrant specially authorising the search to be so made. Such warrant may be executed by any Police officer as aforesaid in the manner prescribed in section 21, and shall cease to be in force at sunrise on the day next following

24. Whenever a Police officer arrests any person, or seizes any article liable to confiscation under this law, or enters any place for the purpose of searching for any such article, he shall, within twenty-four hours thereafter, make a full report of all the particulars of such arrest, seizure or search, to his official superior, and shall with all convenient despatch take the person arrested or the article seized to the *Second Assistant to the Agent to the Governor-General*.

Police officer to report arrest, etc., and to take person arrested to Assistant to the Agent to the Governor-General.

25. (1) The *Second Assistant to the Agent to the Governor-General* may appoint persons, by name or by virtue of their office, to be officers for the collection of the excise revenue and for the prevention of offences against this law. The officers so appointed shall, in addition to their ordinary designation (if any), be styled Excise officers, and shall be invested with such of the powers of a Police officer under this law as the Agent to the Governor-General in Central India may prescribe.

Power to appoint Excise officers and invest them with powers of Police officers

(2) Every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be a Police officer within the meaning of this law

26. (1) Whoever—

(a) in contravention of section 3, constructs, works or possesses a distillery, still or brewery, or manufactures fermented liquor,

Penalty for illegal manufacture or preparation.

or

¹[(b) in contravention of section 6,

(i) cultivates the poppy,

(ii) manufactures opium,

(iii) prepares any preparation or admixture of opium,

(iv) cultivates any plant from which any intoxicating drug can be produced,

(v) prepares any intoxicating drug]

shall be punishable with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

¹[(2) All spirit and liquor made in contravention of section 3 and all poppies or plants cultivated, opium manufactured, and intoxicating drugs and

¹ Substituted by notification No. 4341-Exc, dated the 24th July 1908 *Gazette of India*, 1908, Pt. I, page 675.

preparations and admixtures of opium prepared in contravention of section 6, and all materials and implements collected for the purpose of such manufacture or preparation shall be liable to confiscation.]

Penalty for illegal removal or import.

27. (I) Whoever—

(a) in contravention of section 4, or of any rule made under section 5 removes any spirit or fermented liquor from any distillery, still or brewery ; or

¹[(b) in contravention of section 15-B or section 16, imports, transport^s or exports any spirit or fermented liquor or intoxicating drug]

²[(c) in contravention of section 16-A imports any opium, or fails to bring to the scales with all reasonable despatch all opium lawfully imported for weighment]

shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

(2) All such spirit or fermented liquor or intoxicating drug ² [or opium] together with the vessels ² [or packages] containing the same, ~~and~~ any animals and conveyances used in carrying it, shall be liable to confiscation

Penalty for contravention of other rules under section 5.

28. Whoever, except in cases herein otherwise provided for, wilfully contravenes any rule made under section 5, shall be punishable with fine which may extend to one hundred rupees.

Penalty for illegal sale.

29. Whoever, in contravention of section 7, sells any spirit, fermented liquor or intoxicating drug, *or opium or any preparation or admixture thereof*, shall be punishable with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

Penalty for permitting drunkenness, riot or gambling, etc., in shop.

30. Whoever, being licensed to sell by retail spirit or fermented liquor, or intoxicating drugs, *or opium or any preparation or admixture thereof*, permits drunkenness, riot or *gambling* in his shop, or permits persons of notoriously bad character to meet or remain therein, or receives any wearing apparel or other effects in barter for spirit, or fermented liquor or intoxicating drugs, *or opium or any preparation or admixture thereof*, shall be punishable with fine which may extend to two hundred rupees.

Penalty for illegal possession.

31. Whoever possesses any spirit or fermented liquor, or [intoxicating drug or any preparation or admixture of opium * * * in contravention of section 15, shall be punishable with imprisonment for a term

¹Substituted by notification No. 1767-I. B., dated the 18th August 1911. *Gazette of India*, 1911, Pt. I, p. 649.

²Inserted by notification No. 1653-I. B., dated the 18th August 1910. *Gazette of India*, 1910, Pt. I, p. 790.

³Omitted by notification No. 4341-Exc., dated the 24th July 1908. *Gazette of India*, 1908, Pt. I, p. 675.

which may extend to 3 months, or with fine which may extend to five hundred rupees, or with both ; and the spirit or fermented liquor ¹[or intoxicating drug] or preparation or admixture of opium together with any vessels, packages and coverings in which it is contained, and any animals and conveyances used in carrying it shall be liable to confiscation.

32. Whoever, holding a license or pass under this law, refuses to produce the same on the demand of any Police officer and whoever commits a breach of any rule made under this law or of any condition of a license granted thereunder, for the breach of which rule or condition no other penalty is provided by this law, shall be punishable with fine which may extend to fifty rupees.

Penalty for refusing to produce license, pass, etc.

33. (1) Whoever, being the owner or occupier of land, or the agent of any such owner or occupier, authorises or connives at the illegal manufacture of any spirit or fermented liquor ¹[or opium] or the preparation of intoxicating drugs, ¹[or of preparations or admixtures of opium] or the illegal sale of any spirit or fermented liquor or intoxicating drugs, *or of opium or any preparation or admixture thereof*, shall be punishable with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

Penalty for conniving at illegal manufacture or sale

(2) Whoever, being invested with local jurisdiction, authorises or connives at the illegal sale of any spirit or fermented liquor or intoxicating drugs, *or of opium or any preparation or admixture thereof*, within the local limits of such jurisdiction, shall be punishable with fine which may extend to five hundred rupees.

34. Whoever, being a Police officer—

- (1) without reasonable grounds of suspicion searches, or causes to be searched, any place, or
- (2) vexatiously and unnecessarily seizes the moveable property of any person on the pretence of seizing or searching for any article liable to confiscation under this law, or
- (3) vexatiously or unnecessarily arrests any person, or
- (4) commits any other excess not required for the execution of his duty,

Penalty for vexatious search, seizure or arrest.

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

35. Whoever, being a Police officer, in contravention of section 24, neglects to report the particulars of any arrest, seizure, or search, or delays

Penalty for neglecting to report arrest, etc.

¹ Inserted by notification No. 4341-Exc, dated the 24th July 1908. *Gazette of India*, 1908, Pt. I, p. 675.

taking to the *Second Assistant to the Agent to the Governor-General* any person arrested or any article seized under this law, shall be punishable with fine which may extend to two hundred rupees.

Presumption in certain prosecutions.

36. In prosecutions under sections 26, 27, 29 and 31 it shall be presumed, until the contrary is proved, that all articles which have been found in the accused person's possession or under his control and for which he is unable to account satisfactorily are articles in respect of which he has committed an offence under this law.

Prosecution restricted.

37. No Court shall take cognizance of any offence punishable under this law, unless the prosecution is instituted before the expiry of six months next after the commission of such offence.

Attempt and abetment.

38. Whoever attempts to commit any offence punishable under this law, or abets, within the meaning of the Indian Penal Code, the commission of any such offence, shall be punishable with the punishment provided for such offence

Disposal of fines and rewards.

39. Any Magistrate before whom any person is convicted of any offence under sections 23, 27, 28, 29, 31 or 33 may award to any person who has contributed in any way to such conviction, the whole or any portion of any fine imposed upon the offender and paid by him or realized from his property.

Second Assistant to the Agent to the Governor-General to order confiscation.

40. Any article liable to confiscation under this law may, on the application of a Police officer, be confiscated by the order of the *Second Assistant to the Agent to the Governor-General*.

Control of the Agent to the Governor-General.

41. *The Second Assistant to the Agent to the Governor-General* shall, in all executive proceedings under this law, be subject to the control of the Agent to the Governor-General in Central India, and all executive orders passed by the *Second Assistant to the Agent to the Governor-General* thereunder shall be appealable to the Agent to the Governor-General in Central India.

Further power for the Agent to the Governor-General to make rules

42. The Agent to the Governor-General in Central India * * *¹ may from time to time make rules—

- (1) as to the period for which any license, farm, permit or pass under this law shall be granted ;
- (2) as to the fee payable for any such license, farm, permit or pass, and the time or times at which it shall be payable ;
- (3) as to the security to be given by any licensee, farmer, permittee, or pass-holder under this law ;
- (4) as to the form of any license, farming lease, permit or pass and the conditions which may be inserted therein and of the counterpart (if any) to be taken from any licensee or farmer ;

¹ Deleted by notification No. 943-I. B., dated the 25th April 1912. *Gazette of India*, 112, Pt I, p. 505.

- (5) as to the disposal of things confiscated under this law ;
- (6) as to the duties of Police officers for the purpose of this law, and
- (7) to provide generally for carrying out the provisions of this law.

43. The Agent to the Governor-General in Central India, with the previous sanction of the Governor-General in Council, may, from time to time by notification in the *Gazette of India*, exempt any specified article or any specified class of persons from all or any of the provisions of this law, and may, by a like notification, cancel or vary any such exemption.

Power for Agent to
the Governor-
General to exempt
articles and persons.

[*Gazette of India*, 1904, Pt. I, p. 539]

SEHORE CANTONMENT.

¹VI.—Orders Relating to Courts.

Provision for execution of capital sentences in British India.

No. 1431-I., dated the 27th April 1893.—Printed in Appendix XIII.

Criminal law and procedure of British India applicable to British subjects in Native States.

No. 1863-I. A., dated the 13th May 1904—Printed in Appendix IV.

High Court at Bombay to exercise jurisdiction over European British subjects.

No. 853-I. B., dated the 16th April 1913.—Printed in Appendix IV.

Justices of the Peace to commit for trial to the High Court having jurisdiction.

No. 2616-I., dated the 6th August 1890.—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

No. 680-I. B., dated the 19th March 1912.—Printed in Appendix IV.

Appointment of Justices of the Peace.

No. 2313-I., dated the 13th August 1883.
No. 2760-I., dated the 18th September 1883. } Printed in Appendix IV.

Criminal Courts. High Court.

No. 2381-I. B., dated the 16th November 1912.—Printed *supra*, page 124.

Court of Session and District Magistrate.

No. 1628-B., dated the 16th November 1912.—Printed *supra*, page 125.

Magistrate of the first class.

No. 1427, dated the 24th February 1898.—Under sections 12 and 39 of the Code of Criminal Procedure, the Agent to the Governor-General in Central India hereby invests the Superintendent of Sehore with the powers of a Magistrate of the 1st class as defined in section 32 of the Code, and under section 37 of the said Code with powers to try summarily the offences indicated in section 260, Chapter XXII, of the same Code.

[*Gazette of India*, 1898, Pt. II, p. 251.]

Civil Courts.

No. 2366-I. B., dated the 14th November 1912.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in

¹ For Statutes and Orders thereunder, Acts of the Governor-General in Council and Order thereunder locally in force, and Acts locally applied, see pages 108 to 123, *supra*.

Council is pleased to provide as follows for the administration of civil justice within the Cantonment of Sehore—

1. The Superintendent of Sehore shall exercise the powers of a Civil Court with jurisdiction in all original suits of which the amount or value of the subject-matter does not exceed Rs. 500

2 The Political Agent in Bhopal shall exercise the powers of a District Court as described in the Code of Civil Procedure, 1908, with jurisdiction in all original suits whatever be the amount or value of the subject-matter and in all other cases in which jurisdiction is conferred on the District Court by the law for the time being in force in the said Cantonment and with power to hear appeals from the decrees and orders of the Superintendent

3. Appeals shall lie, subject to the provisions of the enactments for the time being in force in the said Cantonment, from the decrees and orders of the said District Court to the Agent to the Governor-General in Central India, who shall exercise the powers of a High Court for all purposes whatsoever connected with the administration of civil justice within the said Cantonment.

[*Gazette of India*, 1912, Pt. I, p 1396]

No. 566-B., dated the 28th March 1913 —In exercise of the powers Small conferred by sections 5 and 6 of the Provincial Small Cause Courts Act, 1887 (IX of 1887), as applied to the Cantonment of Sehore, the Agent to the Governor General in Central India is pleased—

(a) with the sanction of the Governor General in Council to establish a Court of Small Causes in the said Cantonment ;

(b) to direct that the local limits of the jurisdiction of the said Court shall be the limits for the time being of the said Cantonment, and

(c) to appoint the Superintendent of Sehore to be the Judge of the said Court.

[*Gazette of India*, 1913, Pt. II, p. 670]

No. 1626 I. B., dated the 16th June 1899 —Printed *supra*, page 104.

Payment of expenses of complainants and witnesses in Criminal Courts

No 786-I. B., dated the 9th April 1913 —Printed in Appendix XIIA

Courts in British India empowered to send summonses under the Code of Civil Procedure and decrees to the District Court, Civil Court and Court of Small Causes in Sehore Cantonment for service and execution.

Service by the
said Courts in Sehore
Cantonment of
summonses—

(a) of Civil or
Revenue Courts in
British India,
(b) of other² Courts
established or con-
tinued by the
Governor-General in
Council,
(c) of Civil or
Revenue Courts of
Hyderabad, Mysore,
Central India States,
States in the poli-
tical control of the
Bombay Government,
and Baroda

¹ No 1366-I, dated the 29th March 1889.

¹ No 1367-I, dated the 29th March 1889.

No 1368-I, dated the 29th March 1889.

No. 2182-I, dated the 2nd July 1890.

No 397-I. B, dated the 25th February 1910

} Printed in Appendix XIIA.

Execution by the
Court of the Poli-
tical Agent, Bhopal,
of decrees—

(a) of other² Courts
established or con-
tinued by the
Governor-General
in Council;
(b) of certain Courts
of Mysore States in
the political control
of the Bombay
Government and
Baroda

³ No 1363-I, dated the 29th March 1889

No. 1364-I, dated the 29th March 1889

No 4051-I A., dated the 18th September 1902.

No 399-I. B, dated the 25th February 1910

} Printed in Appendix
XIIA.

Service of summonses
of the said Courts in
Sehore Cantonment⁴
(a) by other² Courts
established or con-
tinued by the
Governor-General in
Council

No. 1367-I, dated the 29th March 1889 — Printed in Appendix XIIA.

(b) by Civil Courts
of the Baroda and
Mysore States
Execution of decrees
of the said Courts
in Sehore Canton-
ment⁴—

No. 398-I B., dated the 25th November 1910 } Printed in Appendix
No. 2622-I.B., dated the 24th December 1912 } XIIC.

(a) by other² Courts
established or con-
tinued by the
Governor-General in
Council.

No. 1363-I, dated the 29th March 1889.—Printed in Appendix XIIA.

(b) by the Civil
Courts of the Baroda
and Mysore States

No 2623-I.B, dated the 24th December 1912.—Printed in Appendix
XIIC.

¹ See also modification (2) } in the Code of Civil Procedure, 1908, as applied Printed *supra*
² See also modification (3) } p 118

² For lists of such Courts in other parts of India see notifications Nos 786—783-I B., dated the
9th April 1913 Printed in Appendix XII A

⁴ These Courts may send their summonses and decrees to Courts in British India for
service and execution. See sections 29 and 43 of the Code of Civil Procedure, 1908 (V of
1908). Printed General Acts, Vol. VI, Ed 1909, p 133.

VII —Local Laws.

No. 2651-I, dated the 25th June 1891.—Printed in Appendix XV.

Publication of news-
papers and other
printed works.

No. 1431-I, dated the 27th April 1893.—Printed in Appendix XIII.

Provision for
execution of capital
sentences in British
India.

CIVIL LINES OF NOWGONG.

¹ VI.—Orders relating to Courts.

Provision for
execution of capital
sentences in British
India

No. 1431-I, dated the 27th April 1893 —See Appendix XIII.

Criminal law and
procedure of British
India applicable to
British subjects in
Native States

No. 1863-I. A., dated the 13th May 1904.—Printed in Appendix IV.

High Court at Alla-
habad to exercise
jurisdiction over
European British
subjects

No. 853-I. B., dated the 16th April 1913.—Printed in Appendix IV.

Justices of the Peace
to commit for trial
to the High Court
having jurisdiction.

No. 2616-I, dated the 6th August 1890.—Printed in Appendix IV.

Justices of the Peace
invested with powers
of Magistrates of the
first class and to hold
inquests

No. 680-I. B., dated the 19th March 1912 —Printed in Appendix IV.

Appointment of
Political Officers to be
Justices of the Peace.

No. 2313-I, dated the 13th August 1883.
No. 2760-I, dated the 18th September 1883. } Printed in Appendix IV.

Cantonment Magis-
trate, Nowgong

No. 126, dated the 24th June 1873.—Printed in Appendix IV.

Criminal Courts,
High Court

*No. 2381-I. B., dated the 16th November 1912.—Printed *supra*, page 124.*

Court of Session and
District Magistrate.

*No. 1628-B., dated the 16th November 1912.—Printed *supra*, page 125.*

Civil Courts.

*No. 5022-I, dated the 24th December 1891 —Printed *supra*, page 126.*

Payment of expenses
of complainants and
witnesses in Criminal
Courts.

*No. 1626-I. B., dated the 16th June 1899 —Printed *supra*, page 104.*

Maintenance and
custody of live stock
under attachment by
Civil Court.

*No. 450-B., dated the 14th March 1907.—Printed *supra*, page 127.*

¹ For Statutes and Orders thereunder, Acts of the Governor-General in Council and Orders thereunder locally in force, and Acts locally applied, see pages 108 to 123 *supra*.

No. 286-I. B., dated the 9th April 1913.—Printed in Appendix XIIA.

Courts in British India empowered to send summonses under the Code of Civil Procedure and decrees to the District Court and the Court of Small Causes for the Civil Lines of Nowgong for service and execution.

²*No. 1366-I, dated the 29th March 1889.*

²*No. 1367-I, dated the 29th March 1889.*

No. 1368-I, dated the 29th March 1889.

No. 2182-I., dated the 2nd July 1890

No. 397-I. B., dated the 25th February 1910.

Printed in Appendix
XIIA.

Service by the said Courts of the Civil Lines of summonses—
(a) of Civil or Revenue Courts in British India
(b) of other¹ Courts established or continued by the Governor-General in Council
(c) of Civil or Revenue Courts of Hyderabad Mysore, Central India
States in the political control of the Bombay Government and Baroda.

³*No. 1363-I., dated the 29th March 1889.*

No. 1364-I., dated the 29th March 1889.

No. 4051-I. A, dated the 18th September 1902.

No. 399-I B, dated the 25th February 1910

Printed in Appendix
XII A

Execution by the said Courts of the Civil Lines of decrees—

(a) of other¹ Courts established or continued by Governor-General in Council
(b) of certain Courts of Mysore, States in the political control of the Bombay Government, and Baroda.

¹ For lists of such Courts in other parts of India see notifications Nos 786—788 I B, dated the 9th April 1913 Printed in Appendix XII A

² See also modification (2) } in the Code of Civil Procedure, 1908, as applied. Printed

³ See also modification (3) } *supra*, p. 118.

Service of summonses
of the said Courts of
the Civil Lines*—

(a) by other¹ Courts
established or conti-
nued by the Gover-
nor-General in
Council.

(b) by Civil Courts of
the Baroda and
Mysore States.

Execution of decrees
of the said Courts of
the Civil Lines*—

(a) by other¹ Courts
established or conti-
nued by the Gover-
nor-General in
Council

(b) by Civil Courts of
the Mysore and
Baroda States.

No. 1367-I, dated the 29th March 1889.—Printed in Appendix XII A.

No. 398-I. B, dated the 25th February 1910. } Printed in Appendix
No. 2622-I. B., dated the 24th December 1912. } XII C.

No. 1363-I, dated the 29th March 1889.—Printed in Appendix XII A.

No. 2623, dated the 24th December 1912.—Printed in Appendix XII C.

* These Courts may send their summonses and decrees to Courts in British India for service and execution. See sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908). Printed General Acts, Vol. VI, Ed. 1909 p. 133.

¹ See footnote 1 on the previous page.

VII—Local Laws.

No. 2651-I, dated the 25th June 1891—Printed in Appendix XV.

Publication of news-
papers and other
printed works

No. 1431-I, dated the 27th April 1893.—Printed in Appendix XVII.

Excise on foreign
goods imported into
India

No. 741-I. B, dated the 17th March 1898.—Printed *supra* page 151

The Macew Nagach
and Hongkong Excise
Law, 1898

No. 302-G, dated the 15th February 1911.—Printed *supra* page 145

Amos Rules.

AGAR AND GUNA.

¹VI.—Orders relating to Courts.

Provision for
execution of
capital sentences in
British India

No. 1431-I, dated the 27th April 1893—Printed in Appendix XIII.

Criminal law and
procedure of British
India applicable to
British subjects in
Native States

No. 1863-I. A., dated the 13th May 1904—Printed in Appendix IV.

High Court at
Bombay to exercise
jurisdiction over
European British
subject.

No. 853-I. B., dated the 16th April 1913—Printed in Appendix IV.

Justices of the Peace
to commit for trial
to the High Court
having jurisdiction.

No. 2616-I, dated the 6th August 1890.—Printed in Appendix IV.

Justices of the Peace
invested with powers
of Magistrates of the
1st class and to hold
inquests.

No. 680-I. B., dated the 19th March 1912.—Printed in Appendix IV.

Appointment of
Political Officers to
be Justices of the
Peace.

No. 2313-I, dated the 13th August 1883.
No. 2760-I, dated the 18th September 1883. } Printed in Appendix IV.

Criminal Courts.
High Court.

No. 2331-I B., dated the 16th November 1912.—Printed *supra*, page 124.

Court of Session and
District Magistrate.

No. 1628-B, dated the 16th November 1912.—Printed *supra*, page 125.

Officer Commanding
at Agar invested
with powers of a
Magistrate of the
2nd class.

No. 1967, dated the 26th February 1897—In exercise of the powers conferred by the Government of India in the Foreign Department notification ²No. 4370-I, dated the 28th November 1892, the Agent to the Governor-General in Central India hereby authorises the officer for the time being Commanding the Regiment of Central India Horse at Agar to exercise, within the limits of the Agar Cantonment, the powers of a Magistrate of the 2nd Class as described in the Code of Criminal Procedure of 1882.

[*Gazette of India*, 1897, Pt. II, p. 247]

¹ For Statutes and Orders thereunder, Acts of the Governor-General in Council and Orders thereunder locally in force, and Acts locally applied, *see* pages 103 to 123, *supra*

² Cancelled by notification No. 2365-I. B., dated the 14th November 1912. Printed p. 110, *supra*

No. 1968, dated the 26th February 1897—In exercise of the powers conferred by the Government of India in the Foreign Department notification ¹No 4370-I., dated the 28th November 1892, the Agent to the Governor-General in Central India hereby authorises the officer for the time being Commanding the Regiment of Central India Horse at Guna to exercise, within the limits of the Guna Cantonment, the powers of a Magistrate of the 2nd Class as described in the Code of Criminal Procedure of 1882.

Officer Commanding at Guna invested with powers of a Magistrate of the 2nd class.

[*Gazette of India*, 1897, Pt. II, p. 247]

No. 4404-I. B., dated the 22nd December 1908.—Printed *supra*, page 103

Assistant to the Resident, Gwahor, invested with powers of a Magistrate of the 1st class for Guna.

No. 1626-I. B., dated the 16th June 1899.—Printed *supra*, page 104.

Payment of expenses of complainants and witnesses in Criminal Courts other than those of the above mentioned 2nd class Magistrates.

No. 9633, dated the 11th November 1899—In exercise of the powers conferred by section 544 of the Code of Criminal Procedure, 1898 (Act V of 1898), as applied to the Cantonments of Agar and Guna by the notification of the Government of India in the Foreign Department, ²No. 2691-I A., dated the 7th October 1898, and with the previous sanction of the Governor-General in Council, the Agent to the Governor-General in Central India is pleased to make the following rules to regulate the payment of the expenses of complainants and witnesses attending the Criminal Courts in the said Cantonments, established by the Governor-General in Council and exercising the powers of a Magistrate of the 2nd class, for the purposes of any enquiry trial or other proceeding under the said Code as so applied :—

Ditto in the Courts of the 2nd class Magistrates.

1. Such Courts are authorised to pay the expenses of complainant and witnesses attending before them—

Firstly.—In all cases whether non-bailable or bailable in which the prosecution is instituted, or carried on, by or under the orders of, or with the sanction of the British Government, or of any British Judge, or Magistrate;

¹ See footnote 2 on p 200 *supra*.

² See now notification No. 2365-I. B., dated the 14th November 1912. Printed *supra*, p 110.

Secondly—In all cases entered in column 5 of schedule II, appended to the Code of Criminal Procedure as not bailable when the prosecution shall appear to the presiding officer to be directly in furtherance of the interests of public justice,

Thirdly—In bailable cases in which the presiding officer of the Court considers that in the interests of public justice such payment is required;

Exception.—No payment shall be made to witnesses summoned at the instance of the complainant under section 244 unless the prosecution appears to the Court to be in furtherance of the interests of public justice

Fourthly.—When the witness concerned is compelled by the Court to attend under the provisions of section 540 of the said Code as applied.

- 2 Such payments shall be made at the following rates—
 - (a) to Natives of the ordinary labouring class, 2 annas a day,
 - (b) to Natives of a higher class, 4 annas a day,
 - (c) to Europeans and Eurasians and Natives of superior rank, such allowance not exceeding Rs. 3 a day as the Court may deem suitable, provided that in special cases the Court shall have discretion to fix a higher rate
3. Travelling expenses may also be paid at the following rates when the person concerned cannot, by reason of age, position or habits of life, be expected to attend the Court on foot, or when the journey cannot be so performed with reasonable ease and expedition—
 - (a) when the journey is by road, the actual expenses incurred up to a maximum of 4 annas a mile.
 - (b) where the journey is wholly or partly by rail—
 - (1) for Natives generally, railway fare by the lowest class;
 - (2) for Europeans, Eurasians and Natives of superior rank, second class railway fare, but the Court may at its discretion award first class fare when the person concerned would ordinarily travel by the first class.
4. Notwithstanding anything in the above rules—
 - (a) Government servants shall be entitled only to travelling allowance according to the rates admissible under the Civil Service Regulations.

- (b) Witnesses following a profession may be granted allowances not exceeding Rs 5 a day at the discretion of the Court; and when they have to travel a distance exceeding five miles, they may also be granted their actual expenses for conveyance (not exceeding 8 annas a mile), or first class railway fare
5. The number of days to be allowed for the journey to and from the Court shall be determined by the Court in each case
- 6 A Medical Officer, other than a Civil Surgeon or an officer in medical charge of a Civil Station, summoned to give evidence touching the result of a *post mortem* or other examination conducted by him, shall be entitled only to the usual expenses paid to a witness.

Resolution of the Government of India in the Department of Finance and Commerce No 3050, dated the 11th August 1882

[*Gazette of India*, 1899, Pt II, p. 1264]

The orders cited at pages 197 and 198 *supra* as regards Courts in Now. Service of summonses and execution of decrees.
gong apply equally in the case of the Court of the Assistant to the Resident
at Gwalior at Guna

VII—Local Laws.

No. 2651-I, dated the 25th June 1891.—Printed in Appendix XV.

Publication of newspapers and other printed works.

No 1431-I, dated the 27th April 1893.—Printed in Appendix XIII.

Provision for execution of capital sentences in British India

GWALIOR AND SUTNA.

¹ VI.—Orders relating to Courts.

Provision for execution of capital sentences in British India.

No. 1431-I., dated the 27th April 1893.—Printed in Appendix XIII.

Criminal law and procedure of British India applicable to British subjects in Native States.

No. 1863-I. A., dated the 13th May 1904.—Printed in Appendix IV.

High Courts at Bombay and Allahabad to exercise jurisdiction over European British subjects at Gwalior and Sutna, respectively.

No. 853-I. B., dated the 16th April 1913.—Printed in Appendix IV.

Justices of the Peace to commit to the High Court having jurisdiction.

No. 2616-I., dated the 6th August 1890.—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the 1st class and to hold inquests.

No. 680-I. B., dated the 19th March 1912.—Printed in Appendix IV.

Appointment of Political Officers to be Justices of the Peace.

No. 2313-I., dated the 13th August 1883.
No. 2760-I., dated the 18th September 1883. } —Printed in Appendix IV.

Constitution of Criminal Courts.

No. 2381-I. B., } *dated the 16th November 1912.*—Printed *supra*, pages
No. 1628-B, } 124 and 125.

Assistant to the Resident, Gwalior, invested with powers of a Magistrate of the 1st class for Gwalior.

No. 4404-I. B., dated the 22nd December 1908.—Printed *supra*, page 103.

Payment of expenses of complainants and witnesses.

No. 1626-I. B., dated the 16th June 1899 —Printed *supra*, page 104.

¹ For Statutes and Orders thereunder, Acts of the Governor-General in Council and Orders thereunder locally in force, and Acts locally applied, see pages 108 to 123, *supra*.

VII.— Local Laws.

No. 2651-I., dated the 25th June 1891.—Printed in Appendix XV.

Publication of newspapers and other printed works.

No. 1431-I., dated the 27th April 1893.—Printed in Appendix XII.

Provision for execution of capital sentences in British India.

CHAPTER IV.

HYDERABAD.

The political relations between the Government of India and His Highness the Nizam are conducted through the Resident at Hyderabad.

Jurisdiction over European British subjects, Europeans, Americans and Government servants in the Hyderabad State vests, as usual, in the political authorities, but there is a special arrangement¹ with His Highness' Government whereby the State Courts exercise jurisdiction over European British subjects, Europeans and Americans in the employment of the State, other than those whose services have been lent by the Government of India, and a Magistrate of the State is empowered² by the Governor-General in Council to deal with cases against non-official European British subjects, Europeans and Americans.

Since the transfer of Berar in 1903 to the administration of the Chief Commissioner of the Central Provinces under the Agreement³ of 1902 with His Highness the Nizam, whereby it rests with the British Government to administer that area as they may deem desirable, and since the restoration to His Highness' Government in the same year of jurisdiction in the Hyderabad Contingent stations of Hingoli, Jalna, Mominabad and Raichur on their ceasing to be military stations, the Administered Areas in the Hyderabad State, which are under British jurisdiction exercised through the Resident, are —

The Cantonment of Secunderabad, which includes the area previously known as the Hyderabad Contingent station of Bolarum

The Cantonment (previously the Hyderabad Contingent station) of Aunangabad.

The Hyderabad Residency Bazaars, and

The railway lands occupied by —

His Highness the Nizam's Guaranteed State Railway.

The Hingoli Branch Railway.

The Hyderabad-Godavari Valley Railway

The North-West main line of the Madras and Southern Maratha Railway, and

¹ It is part of this arrangement that the Resident shall be informed of all such charges and that the Government of India reserve the right to require that in any particular case the accused shall be transferred for trial by a British Court.

² See notification No. 2402-I. B, dated the 21st June 1901, printed in Appendix IV.

³ Treaties, 4th Ed., Vol. IX, p. 174.

The South-East broad gauge main line of the Great Indian Peninsula Railway.

The other railway lands in the Hyderabad State, over which full and exclusive jurisdiction has been ceded to the British Government, namely those occupied by the Barsi Light Railway, by the Dhond-Manmad Branch of the Great Indian Peninsula Railway, and by the metre gauge main line of the Madras and Southern Maratha Railway, are under the administration of the Government of Bombay.¹

The exercise of British jurisdiction in certain parts of the Cantonment of Secunderabad is qualified by the arrangement embodied in the following notification² :—

“ No. 41, dated the 28th August 1906.—In exercise of the power conferred by section 4 of the Cantonments Act, 1889 (XIII of 1889),³ as applied to the Cantonment of Secunderabad, the Resident at Hyderabad, with the previous sanction of the Governor General in Council and with the concurrence of His Highness' Government, is pleased to declare that solely with a view to enable the Resident to exercise the Criminal and Police jurisdiction already transferred to the Government of India by His Highness the Nizam in the Resolutions of His Highness' Government in the Judicial, Police, and General Departments, Nos. 1—1-J., and 13—7-J., dated 8th October 1904 and 14th September 1905, respectively, in the thirteen villages hereinafter named (whose limits shall be the limits fixed by the Revenue Department of His Highness' Government), *viz* : Pedda Tokatta, China Tokatta, Sitarampur, Kakaguda, Maredpalli, Chakliguda, Tawaipura, [Chandu Lal Baoh] Balamrai, Rasulpur, Trimulgherry village, Basareddiguda, and Lalapett, the aforesaid villages shall be held to be included in the limits of the Cantonment of Secunderabad : Provided always that Civil (Judicial), Ecclesiastical, and Revenue jurisdiction, together with all cognate matters and all rights and privileges heretofore exercised or enjoyed by His Highness' Government or the Jagirdars, owners or occupiers of land in the aforesaid villages, and all other persons not specifically mentioned shall in no way be affected by the said inclusion, but are reserved to, and shall continue to be exercised or enjoyed therein by the said His Highness the Nizam's Government and the Jagirdars, owners or occupiers and other persons in accordance with the laws of the Hyderabad State.

The Courts in the Cantonment of Secunderabad shall at all times afford reasonable facilities for the exercise of the jurisdiction reserved ”

¹ See Vol V, pp 36 and 37

² *Hyderabad Residency Orders*, 1906, Pt I, p 87.

³ See now the Cantonments Act, 1910 (XV of 1910), as applied, *infra* p 246.

⁴ Substituted by notification No. 7, dated the 14th February 1908. *Hyderabad Residency Orders*, 1908, Pt. I, p. 24.

HYDERABAD STATE.

The following British enactments are in force in the Hyderabad State :—

I.—Statutes.—*See* Appendix I

II.—Acts of the Governor General in Council.—*See* Appendix II.

III —Orders under Statutes.—

No. 853-I B, dated the 16th April 1913 —Printed in Appendix IV 28 Vict, c. 15.

The Indian (Foreign Jurisdiction) Order in Council, 1902 —*See* Appendix III. 53 and 54 Vict., c 37.

IV.—Orders under Acts of the Governor General in Council and of Local Legislatures —

Indian Divorce Act,
189

No. 536-I B., dated the 4th February 1904.—In exercise of the powers conferred by section 3, clause (2) of the Indian Divorce Act (IV of 1869), and in supersession of the notification of the Government of India in the Foreign Department, No. 3062-I., dated the 1st September 1893, the Governor General in Council is pleased to appoint the officer for the time being holding the office of the First Assistant Resident at Hyderabad to be the District Judge under the said Act within the dominions of His Highness the Nizam of Hyderabad.

First Assistant
Resident to be
District Judge
under the Act.

[*Gazette of India*, 1904, Pt. I, p. 124.]

No. 3287, dated the 25th June 1888 —The following rules framed by the Honourable the Chief Justice and Judges of the High Court under sections 20 and 22 of the Court-fees Act, VII of 1870, confirmed by the Government of Bombay and sanctioned by the Governor-General of India in Council, are published for general information :—

Court-fees Act, 1870
Particulars to be
entered in summonses
issued by Courts in
the Bombay
Presidency for
service in
Hyderabad.

XV

- (b) In summonses sent to the Resident at Hyderabad for service on persons residing in the territories of His Highness the Nizam the name of each person's place of residence, that is the district, village and Mohalla (locality), should be given in full in the summons.

[*Bombay Government Gazette*, 1888, Pt. I, p. 597.]

Indian Christian
Marriage Act, 1872¹

Marriage certificates,
except from
Secunderabad and
Aurangabad,² to be
sent to the Registrar
General, Madras.

Delegation of
powers under
sections 6, 8 and 9
to the Resident.

Fees and Rules.

Administrator-
General's Act, 187

Inclusion of
Hyderabad in the
Presidency of
Madras for purposes
of the Act

Exercise of the
powers and duties
of a District Judge
under the Act.

European

Vagrancy Act, 1874.

Provisions brought
into force from the
31st July 1890.

No. 3706-I. B., dated the 24th September 1907.—Printed in Appendix V.

No. 3742-I. B., dated the 1st October 1897.—Printed in Appendix V.

No. 1586-E, dated the 29th August 1892.—Printed in Appendix V.

No. 855-I. B., dated the 16th April 1913.—Printed in Appendix VI.

No. 3542-I., dated the 27th August 1891.—Printed in Appendix VI.

No. 2513-I., dated the 31st July 1890—Under the provisions of section 1 of the European Vagrancy Act (IX of 1874), the Governor General in Council is pleased to declare that the provisions of sections 4 to 9 (both inclusive) and of sections 19, 20, 24 and 29 of the said Act, shall come into force from this day in the dominions of His Highness the Nizam of Hyderabad.

[*Gazette of India*, 1890, Pt. I, p. 597.]

Indian Arms Act,
1878.

Exemption of certain
persons in Native
States from the
prohibitions and
directions contained
in the Act.

Rules regarding the
export of arms and
ammunition from
and their import into
British India.

No. 3102, dated the 16th August 1909.—Printed in Appendix XVII.

(The Indian Arms Rules, 1909.)

¹Appointments of Marriage Registrars in the Hyderabad State are personal and therefore are not included in this list of notifications

²Arrangements for these cantonments have been made under the Act as locally applied.

No. 4135-I., dated the 16th September 1887.—Printed in Appendix VII.

Indian Income-tax Act, 1886.

First Assistant Resident invested with certain powers of a Collector under the Act.

No. 2714-I., dated the 14th August 1890

No. 662-I., dated the 10th February 1891.

Births, Deaths and Marriages Registration Act, 1886

Appointment of (a) Second Assistant Resident to be Registrar of Births and Deaths for the Hyderabad State, excluding Secunderabad and Berar (b) Registrar-General, Madras, to be Registrar-General and Commissioner to examine registers.

—Printed in Appendix VIII.

No. 1173, dated the 19th July 1888.

No. 451-I. B., dated the 8th March 1913.

—Printed in Appendix VIII. Fees and Rules.

Indian Railways Act, 1890

No. 469-I. B., dated the 20th February 1912 —In pursuance of clause (i) of section 135 of the Indian Railways Act, 1890 (IX of 1890), the Governor-General in Council is pleased to declare that the Administration of His Highness the Nizam's Guaranteed State Railways shall be liable to pay, in aid of the funds of the local authority set out in the Schedule hereto annexed, the taxes specified in the second column thereof.—

Liability of the Nizam's Guaranteed State Railways to taxation

Schedule

Local Authority.	Taxes.
1	2
Secunderabad Cantonment	House, water, water connection and latrine taxes.

The liability imposed by this notification shall not extend to those parts of the Cantonment of Secunderabad which have been excluded by the notification of the Government of India in the Foreign Department,¹ No. 2261-I. B., dated the 20th October 1911, from the operation of the whole of the Cantonments Act, 1910 (XV of 1910), as applied to the Cantonment of Secunderabad.

[Gazette of India, 1912, Pt. I, p. 163]

¹ Printed Vol. III, p. 264.

Indian Foreign
Marriage Act, 1903.
Fees.

No. 341, dated the 11th August 1904.—Printed supra, page 5.

Indian Extradition
Act, 1903.

Political Agents
authorized to grant
extradition for an
act against the law
of a Native State
which in British
India would
constitute an
offence under the
Criminal Tribes Act,
1871.

No. 3361-I. A., dated the 23rd December 1898.—Printed in Appendix IX.

Rules under the Act
except in areas
under British
jurisdiction.

No. 1862-I. A., dated the 13th May 1904.—Printed in Appendix IX.

Indian Universities
Act, 1904.

Inclusion of
Hyderabad in the
territorial limits of
the Madras
University.

No. 717, dated the 20th August 1904.— Printed in Appendix X.

Code of Civil
Procedure, 1908.

See Orders relating to Courts, infra.

Madras Abkari
Act, 1886.

Resident empowered
to permit the export
of intoxicating
drugs from the
Madras Presidency
to the Hyderabad
State.

No. 260, dated the 4th June 1912.—Under section 4 (b) of the Abkari Act (I of 1886), and in exercise of all other powers enabling him in this behalf, the Governor in Council is pleased to appoint the Residents in Mysore, Travancore and Cochin, and at Hyderabad to exercise all the powers of a Collector under sections 7 and 11 of the Act in respect of the issue of permits for the export of intoxicating drugs including cocaine and its substitutes to the Native States of Mysore, Travancore and Cochin, and Hyderabad respectively and for the transfer of the drugs to the limits of the British territory.

[Fort St. George Gazette, 1912, Pt. I, p. 618.]

Burma Process Fees
Act, 1910

Waiver of remittance
to Hyderabad Courts
of fees on processes
sent from certain
Courts in Burma.

No. 127, dated the 23rd July 1912.—In exercise of the power conferred by section 3 of the Burma Process Fees Act, 1910, the Lieutenant-Governor is pleased to make the following rules for the service and execution of processes

issued by the Chief Court of Lower Burma and the Court of Small Causes, Rangoon.

22. When a process is sent for service to another Court or Officer in British India or Hyderabad, an intimation (whether on the face of the process or on a list containing particulars of the processes sent, where more than one) shall be sent to the effect that the prescribed fee (stating its amount in words and figures) has been levied or that the process is exempt from fee and such intimation shall authorize the service without further fee.

[*Burma Gazette*, 1912, Pt. I, p. 522.]

V.—Orders relating to Courts.

- No. 431-I., dated the 27th April 1893.*—Printed in Appendix XIII. British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India.
- No. 1863-I. A., dated the 13th May 1904*—Printed in Appendix IV. Criminal law and procedure of British India applicable to British subjects in Native States
- No. 853-I. B., dated the 16th April 1913.*—Printed in Appendix IV. Jurisdiction of the High Court at Bombay over European British subjects in Hyderabad.
- No. 2616-I., dated the 6th August 1890*—Printed in Appendix IV. Justices of the Peace to commit for trial to the High Court having jurisdiction.
- No. 6800-I. B., dated the 19th March 1912.*—Printed in Appendix IV. Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.
- No. 195-I., dated the 28th May 1884*
No. 1269-I., dated the 23rd April 1885.
No. 1147-I., dated the 22nd March 1888
No. 3071-I., dated the 13th September 1890.
No. 165-I., dated the 13th January 1892.
- }—Printed in Appendix IV. Appointments of Justices of the Peace for the Hyderabad State.
- No. 2402-I. B., dated the 21st June 1901.*—Printed in Appendix IV. Appointment of Justice of the Peace for the Hyderabad State, excluding areas under British jurisdiction, and directions as to Courts to which he shall commit.
- No. 3089-I., dated the 18th September 1890*—In exercise of the powers conferred by section 8 of the Foreign Jurisdiction and Extradition Act, 1879,¹ the Governor General in Council is pleased to direct that the Code of Criminal Procedure, 1882,² in so far as it extends to British subjects in the First Assistant Resident empowered to refer and transfer cases to Justices of the Peace

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix III.

² See now the Code of Criminal Procedure, 1898 (Act V of 1898) Printed General Acts, Vol. V, 4d. 1909, p. 14.

dominions of His Highness the Nizam of Hyderabad, shall be read subject to the following modification, namely :—

The officer for the time being holding the office of First Assistant to the Resident at Hyderabad shall have power to refer any case instituted before him as a Justice of the Peace in the Hyderabad State to any other Justice of the Peace and to transfer any case instituted before any Justice of the Peace in the said State to another Justice of the Peace in the said State.

[*Gazette of India*, 1890, Pt I, p. 696.]

Constitution of
British Criminal
Courts in the
Hyderabad State
excluding the
Administered
Areas.

No 1639-I, dated the 22nd May 1885.—In exercise of the powers conferred by sections 4 and 5¹ of Act XXI of 1879 (The Foreign Jurisdiction and Extra-diction Act, 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct as follows :—

1. The Superintendent of the Hyderabad Residency Bazars for the time being shall exercise within the limits of His Highness the Nizam's Territories (in all cases in which such powers may lawfully be exercised by the Governor General in Council within such territories) the powers of a District Magistrate as described in the Code of Criminal Procedure.

2 The First Assistant to the Resident at Hyderabad for the time being shall exercise within the limits of His Highness the Nizam's Territories (in all cases in which such powers may lawfully be exercised by the Governor General in Council within such territories) the powers of a Court of Session as described in the Code of Criminal Procedure.

3. The Resident at Hyderabad for the time being shall exercise the powers of a High Court as described in the said Code in respect of all offences over which magisterial jurisdiction is exercised by the Superintendent of the Hyderabad Residency Bazars within the said territories, and in respect of all offences over which the jurisdiction of a Court of Session is exercised by the First Assistant to the Resident within the said territories.

4. In the exercise of the jurisdiction of a Court of Session conferred on him by this notification, the First Assistant to the Resident may take cognizance of any offence as a Court of original criminal jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure for the trial of warrant cases by Magistrates.

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

5. This notification applies to all proceedings except proceedings against European British subjects or persons jointly charged with European British subjects, and it applies to proceedings which may be pending at the date of this notification if they have been instituted and are being conducted in conformity with the provisions herein contained

6. Nothing in this notification shall be deemed to extend to any cantonment or to the Hyderabad Residency Bazars, or to any railway lands situate within the said territories.

[*Gazette of India*, 1885, Pt I, p. 304]

No. 2370-I A., dated the 23rd June 1897 —In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to invest the ¹Judicial Superintendent, Aurangabad, invested with powers of a Magistrate of the first class in the Hyderabad State, Aurangabad, for the time being, with the powers of a Magistrate of the first class, as described in the Code of Criminal Procedure, 1882,³ to be exercised within the limits of His Highness the Nizam's territories in all cases in which such powers may lawfully be exercised by the Governor General in Council within such territories.

[*Gazette of India*, 1897, Pt. I, p. 551.]

Service of summonses of Civil and Revenue Courts of the Hyderabad State—

No 752-I. B., dated the 17th March 1899 —Printed in Appendix XIIB.

(a) by Courts in British India ;

No 1368-I, dated the 29th March 1889 —Printed in Appendix XIA.

(b) by Courts⁴ established or continued by the Governor General in Council.

No 47, dated the 29th June 1905

* * *

(c) by Courts in the Administered Areas in the Hyderabad State

(2) * All civil processes issued by the District Courts of His Highness the Nizam and intended for service in the Cantonment of Secunderabad and the

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III

² Now the Cantonment Magistrate, Aurangabad.

³ Now the Code of Criminal Procedure, 1898 (Act V of 1898). Printed General Acts, Vol. V, Ed. 1909, p. 14.

⁴ For lists of such Courts see notifications Nos 786--788 I. B., dated the 9th April 1913, printed in Appendix XII A

said railway lands, the Cantonment of Aurangabad and the Hyderabad Residency Bazars will be sent direct by post to the Civil Judge, Secunderabad, the Civil Judge, Aurangabad, and the Superintendent, Residency Bazars, Hyderabad, respectively.

* * * *

(4) In like manner, all civil processes issued by the City Civil Court and intended for service in the Cantonment of Secunderabad and the said railway lands, the Cantonment of Aurangabad, and the Hyderabad Residency Bazars will be sent by post direct to the Civil Judge, Secunderabad, the Civil Judge, Aurangabad, and Superintendent, Hyderabad Residency Bazars, respectively.

* * * *

10 All processes forwarded by His Highness the Nizam's Civil and Criminal Courts to the Courts in the Cantonments of Secunderabad and Aurangabad, the said railway lands and the Hyderabad Residency Bazars shall be duly served by the latter as if they had been originally issued by them and returned direct to the Courts issuing them.

[*Hyderabad Residency Orders*, 1905, Pt. I, p. 119.]

Service by certain
Civil Courts of the
Hyderabad State of
summonses—

(a) of Courts in
British India.

(b) of Courts in the
Administered Areas
in the Hyderabad
State.

No. 1037-I. B, dated the 9th May 1912.—Printed in Appendix XIIC.

No. 47, dated the 29th June 1905 * * *

(1) All civil processes issued by the Courts in the Cantonments of Secunderabad and Aurangabad, the Hyderabad Residency Bazars and the said railway lands and intended for service in the jurisdiction of a District Court of His Highness the Nizam shall be sent direct by post to the Court within the local jurisdiction of which they are to be served.

* * * *

(3) All civil processes issued by the Courts in the Cantonments of Secunderabad and Aurangabad, the said railway lands and the Hyderabad Residency Bazars and intended for service in the city and suburbs of Hyderabad shall be sent to the Judge, City Civil Court, direct by post.

* * * *

(5) All civil and criminal processes for service on persons residing in Paigah and Jagir *ulakhas* should be forwarded to the District Courts of His Highness

the Nizam in the jurisdiction of which the Paigah or Jagir is situated, and not to the Paigah or Jagir authorities direct.

* * * *

(9) * * The serving Court shall then deliver such process to the proper officer of the Court for service, and shall return the process to the Court by which such process was transmitted with the endorsement of the process-server showing in what manner service has been effected, and if service has not been effected the reason for the non-service, and such endorsement shall be verified by the oath or affirmation of the process-server.

[*Hyderabad Residency Orders*, 1905, Pt I, p. 119.]

No. 2605-I B., dated the 15th June 1900.—Whereas the Govern- Reciprocal execution
ments of India and of His Highness the Nizam of Hyderabad have agreed to of decrees between
regulate the reciprocal realization of State demands and the reciprocal Civil Courts of the
execution of decrees passed by any of the Civil Courts of His Highness the Hyderabad State and
Nizam of Hyderabad on the one part and the Civil Courts having jurisdiction Civil Courts in the
in the Hyderabad Assigned Districts, the Cantonment of Secunderabad, the Administered Areas
Hyderabad Contingent station of Bolarum, the railway lands in the territories in the Hyderabad
of His Highness the Nizam of Hyderabad (other than the railway lands State.
referred to in the ¹ notifications of the Government of India in the Foreign
Department, No. 4564-I, dated the 18th November 1891, and No. 3244-I. B.,
dated the 26th August 1897), * * *

the Hyderabad Residency Bazars, and the Hyderabad Contingent stations of
Aurangabad, * * of the other part ;

The Governor-General in Council, with the concurrence of His Highness the Nizam of Hyderabad, is pleased, in exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, to issue the following rules in cancellation of the rules contained in Residency Orders notification No 26, dated the 19th December 1884, and the notifications of the Government of India in the Foreign Department, No 1365-I., dated the 29th March 1889, and No. 3316-I, dated the 3rd October 1890 :—

I. All Deputy Commissioners in the Hyderabad Assigned Districts :
the District Judge, Secunderabad, as regards the Cantonment
of Secunderabad, the Hyderabad Contingent station of
Bolarum, the said railway lands, * * *
the Superintendent of the Hyderabad Residency Bazars as

¹ See now notification No. 778-I B., dated the 9th April 1913 Printed Vol V, p 35

² See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix III.

regards the Hyderabad Residency Pazar; the ¹Deputy Commissioner, Buldana, as regards the Hyderabad Contingent stations of Aurangabad, * * * are authorised by the Governor General in Council to execute and realize against the property of any person residing in or possessing property within the local limits of their respective jurisdictions State demands preferred by His Highness the Nizam's Government and civil decrees, original or appellate passed by any of the aforesaid Courts of His Highness the Nizam :

Provided that the realization or execution of such State demands or decrees has been approved and directed by the Resident at Hyderabad

II. Should the decree be executed, the amount recovered under it, if any, should be paid to the decree-holder by the Court executing the decree, and a certificate of execution should be sent through the Resident to His Highness the Nizam's Government; and should a State demand be realized, its amount should be remitted, together with a certificate of realization, through the Resident to His Highness the Nizam's Government. Should execution or realization be impossible, the decree, or demand will be endorsed to that effect and returned through the Resident to His Highness the Nizam's Government.

III. Civil decrees passed by the Courts exercising civil jurisdiction in the Hyderabad Assigned Districts, the Cantonment of Secunderabad, the Hyderabad Contingent station of Bolarum, the said railway lands, * * * the Hyderabad Residency Bazars, and the Hyderabad Contingent stations of Aurangabad, * * * may be forwarded to His Highness the Nizam's Government through the Resident for execution within the jurisdiction of any of the Civil Courts of His Highness the Nizam. The Resident may also forward to the Nizam's Government for realization State demands (of the British Government) which may arise within the aforesaid areas.

¹ While the Hyderabad Assigned Districts were administered by the Resident at Hyderabad, the Deputy Commissioner, Buldana, exercised jurisdiction in these Stations. The arrangement ceased on the transfer of Berar to the administration of the Chief Commissioner of the Central Provinces.

V. State demands to be realized for his Highness the Nizam's Government or to be sent for realization by the Resident to the Nizam's Government will be restricted to items of revenue or other incomings connected with the land revenue, water rates abkari or customs, or debts due on contracts for the farm or collection of the same between individuals and His Highness the Nizam's Government on the one hand or the British Government on the other, or fines or forfeitures leviable from such contractors or their sureties.

V. In effecting the executions and realizations referred to above, the Courts exercising jurisdiction in the Hyderabad Assigned Districts, the Cantonment of Secunderabad, the Hyderabad Contingent station of Bolarum, the said railway lands
* * the Hyderabad Residency Bazars,
and the Hyderabad Contingent stations of Aurangabad,
* * will, as far as may be convenient,
be guided by the provisions of the Code of Civil Procedure or of the law or rules which obtain in the Bombay Presidency for the realization of State demands, as the case may be; they will refer doubtful points for the orders of the Resident, whose decision thereon shall be final.

VI. A decree passed by any of the Civil Courts of His Highness the Nizam of Hyderabad may, if sent to the Court of a Deputy Commissioner in the Hyderabad Assigned Districts or to the Court of the District Judge, Secunderabad, in exercise of its civil jurisdiction over the Cantonment of Secunderabad, the Hyderabad Contingent station of Bolarum, the said railway lands * * * or to the Court of the Superintendent of the Hyderabad Residency Bazars in exercise of its jurisdiction over the Hyderabad Residency Bazars, or to the Court of the Deputy Commissioner of Buldana in exercise of its jurisdiction over the Hyderabad Contingent stations of Aurangabad, * * * be executed by that Court in accordance with the provisions of these rules.

Reciprocal service of summonses to witnesses between Criminal Courts of the Hyderabad State and Criminal Courts in the Administered Areas in the Hyderabad State.

No. 47, dated the 29th June 1905.—

(5) ¹All *civil and* criminal processes for service on persons residing in Paigah and Jagir *ilakhas* should be forwarded to the District Court of His Highness the Nizam in the jurisdiction of which the Paigah or Jagir is situated, and not to the Paigah or Jagir authorities direct

(6) All criminal processes for service on persons other than accused persons issued by the Courts in the Cantonment of Secunderabad and Aurangabad, the said railway lands, and the Hyderabad Residency Bazzars and intended for service in the districts of His Highness the Nizam or in the city and suburbs of Hyderabad shall be sent direct by post to the Magistrate of the district in which such persons reside or to the City Criminal Court, Hyderabad, as the case may be.

(7) In like manner all criminal processes for service on persons other than accused persons issued by a District Court in the dominions of His Highness the Nizam or by the City Criminal Court, Hyderabad, and intended for service in the Cantonment of Secunderabad, the said Railway lands, the Cantonment of Aurangabad and the Hyderabad Residency Bazzars will be sent by post direct to the Cantonment Magistrate, Secunderabad, the District Magistrate for Railways, Hyderabad, the District Magistrate, Aurangabad, and the Superintendent, Residency Bazzars, Hyderabad, respectively.

(9) ² The serving Court shall then deliver such process to the proper officer of the Court for service and shall return the process to the Court by which such process was transmitted with the endorsement of the process-server showing in what manner service has been effected, and if service has not been effected the reason for the non-service, and such endorsement shall be verified by the oath or affirmation of the process-server.

(10) All processes forwarded by His Highness the Nizam's Civil and Criminal Courts to the Courts in the Cantonments of Secunderabad and Aurangabad, the said railway lands and the Hyderabad Residency Bazzars shall be duly served by the latter as if they had been originally issued by them, and returned direct to the Courts issuing them.

[*Hyderabad Residency Orders, 1905, Pt. I, p 119.*]

¹ Substituted by notification No. 55-J, dated the 2nd August 1905 *Hyderabad Residency Orders, 1905, Pt I, p 134.*

² Printed *infra*, p. 224.

No. 4113-I B, dated the 6th November 1908 — Whereas the Governments of India and of His Highness the Nizam of Hyderabad have agreed to the reciprocal recovery of fines imposed by any of the Criminal Courts of His Highness the Nizam of Hyderabad of the one part and the Criminal Courts having jurisdiction in the areas in the Hyderabad State in which the Governor General in Council exercises jurisdiction through the Resident at Hyderabad of the other part.

The Governor General in Council is pleased, in exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, to issue the following rules :

- (1) All Magistrates in the areas in the Hyderabad State in which the Governor General in Council exercises jurisdiction through the Resident at Hyderabad are authorised by the Governor General in Council to realise, against the moveable property of any person residing in or possessing moveable property within the local limits of their respective jurisdictions, fines inflicted by Criminal Courts in the Dominions of His Highness the Nizam of Hyderabad, provided that the realisation of any such fine has been approved and directed by the Resident at Hyderabad.
- (2) In regard to the realisation of any such fine the Magistrate realising such fine shall exercise the same powers as he would exercise had such fine been imposed by himself and he shall so far as circumstances permit be guided by the provisions of the Indian Penal Code and the Code of Criminal Procedure
- (3) Should the fine be realised wholly or in part, the amount so realised shall be sent through the Resident to His Highness the Nizam's Government. Should realisation be impossible an endorsement to that effect shall be made on the warrant for realisation which shall then be returned through the Resident to His Highness the Nizam's Government
- (4) Whenever a Criminal Court in the areas administered by the Resident considers it desirable that a fine imposed by it upon an offender should be realised by the distress and sale of any property belonging to the offender and situate within the jurisdiction of a Criminal Court of His Highness the Nizam, it may forward a warrant for execution by the Court concerned, through the Resident and His Highness the Nizam's Government.

[*Gazette of India*, 1908, Pt. I, p. 984.]

Reciprocal waiver
of process fees
between Courts of
the Hyderabad State
and Courts in the
Administered Areas
in the Hyderabad
State.

No. 47, dated the 29th June 1905.—

*

*

(8) No remittance on account of fees for the service of process shall accompany such process, but a note shall be entered thereon that the necessary process fee has been levied and it shall be attested by the signature of the Judge and the seal of the Court issuing the process

(9) The certificates endorsed on the process by the Court issuing the same shall be accepted by the Court sending the same as sufficient proof that the proper fee for the issue thereby has been paid.

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Also of postal
charges.

(11) All processes and papers connected therewith shall be transmitted by post or "service" letters to and be franked by the Civil or Criminal Judge concerned

Scale of process
fees and their
disposal.

(12) The fees that shall be levied on processes forwarded for service to His Highness the Nizam's Civil and Criminal Courts shall be those prescribed by the rules in force for processes to be served by the Courts in the Cantonment of Secunderabad and the said railway lands, the Cantonment of Aurangabad and the Hyderabad Residency Bazars, and the same should be credited to Government.

Batta and traveling
allowance of
witnesses.

(13) When the processes issued by the Courts in the Cantonments of Secunderabad and Aurangabad, the said railway lands and the Hyderabad Residency Bazars for service in the jurisdiction of His Highness the Nizam's Courts are for the appearance of any person as a witness, the amount of *batta* and travelling allowance he is entitled to according to the rule in force shall be remitted with the processes.

[*Hyderabad Residency Orders*, 1905, Pt. I, p. 119.]

ADMINISTERED AREAS IN THE HYDERABAD STATE.¹

The following British enactments are in force in the Administered Areas in the Hyderabad State :—

I.—Statutes.—See Appendix I.

II.—Acts of the Governor General in Council—See Appendix II.

III.—Orders under Statutes.

No. 853-I B., dated the 16th April 1913.—Printed in Appendix IV. 28 Vict c 15.

No. 156, dated the 21st March 1884.—In continuation of G G O. No. 488 of 1883, the Governor General of India in Council, in exercise of the powers conferred by section 133 of the Army Act, 1881, is pleased to set apart the buildings or parts of buildings at the stations as hereinafter detailed as part of the military prisons at those stations, and they are hereby declared to be part of such military prisons, namely—

Secunderabad.—The room at the southern end of the detached building situated at the west gate of the south Station Hospital, formerly used as a guard-room.

[*Gazette of India*, 1884, Part I, page 123.]

The Indian (Foreign Jurisdiction) Order in Council, 1902.—See Appendix III. 53 and 54 Vict. c 37.

IV.—Orders under Acts of the Governor General in Council and of Local Legislatures.

The orders cited above¹ as in force in the Hyderabad State operate to the same extent in the Administered Areas in the State, with the exception of the orders under the Indian Extradition Act, 1903, which do not apply in any Administered Areas.

The following orders are also in force in respect of the Administered Areas :—

No. 23-A, dated the 12th January 1906 —It is hereby notified, in pursuance of section 42 of the Presidency Banks Act, 1876 (XI of 1876), that the Governor General in Council has consented to the establishment by the Directors of the Bank of Bengal of an Agency of the said Bank at Secunderabad, Deccan.

[*Gazette of India*, 1906, Part I, page 17.]

Presidency Banks
Act, 1886

Establishment of an
Agency of the Bank
of Bengal at Secun-
derabad.

¹ Pages 209 to 213 *supra*.

Birth, Deaths and
Marriages Registra-
tion Act, 1886

Appointment of
Marriage Registrars,
and of the Registrar
General, Madras, as
Registrar General
for

(a) Secunderabad
and the railway
lands,
(b) Bolarum and
Aurangabad.

No. 2714-I, dated the 14th August 1890

No. 3031-I, dated the 22nd July 1891.

} Printed in Appendix VIII.

Indian Stamp Act,
1899.

Remission of duty in
British India on
instruments executed
and properly stamped
in the Administered
Areas in the Hydera-
bad State.

¹*No. 3616-Exc., dated the 16th July 1909*—In exercise of the power conferred by section 9, clause (a), of the Indian Stamp Act, 1899 (II of 1899) the Governor General in Council is pleased * * to remit the duty chargeable in respect of instruments of the classes hereinafter described.

* * * * *

81. Instrument executed in the areas mentioned in the schedule hereto attached in respect of which the stamp duty with which it is chargeable under the Stamp Law for the time being in force in the said areas has been paid in accordance with the said Law.

SCHEDULE.

Areas.

*

6 The areas in the Hyderabad State in which the Governor General in Council exercises jurisdiction through the Resident at Hyderabad.

[*Gazette of India*, 1909, Part I, page 597.]

¹ For notifications securing similar remissions in Administered Areas under British jurisdiction see pages 111 and 176 in Volume II, and corresponding notifications in Volumes III and IV

V.—Acts locally applied.

No. 582-I.B., dated the 22nd March 1913.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and to provide for the administration of the Administered Areas in the Hyderabad State, namely, the Cantonments of Secunderabad and Aurangabad, the Hyderabad Residency Bazais, and the lands in the Hyderabad State occupied by His Highness the Nizam's Guaranteed State Railway system, by the South East main line of the Great Indian Peninsula Railway and by the broad gauge North-West line of the Madras and Southern Maratha Railway (hereinafter styled the "Railway Lands"), the Governor General in Council is pleased to apply the enactments specified in the first column of the first schedule hereto annexed to such of the said Administered Areas as are specified in the second column thereof, in so far as the same may be applicable thereto and subject to any amendments to which the enactments are for the time being subject in British India.

Provided, first, that in the enactments as so applied references to a Local Government or the Chief Controlling Revenue Authority shall be read as referring to the Resident at Hyderabad; references to a Secretary to a Local Government as referring to the First Assistant to the Resident at Hyderabad; references to a High Court as referring to the Court of the Resident at Hyderabad, and, except where the context or the modifications hereinafter referred to otherwise require, references to British India or to a province or to the territories subject to or administered by a Local Government as referring to the Administered Area or Areas to which the enactment, wherein the expression occurs, has been applied.

Provided, secondly, that the further modifications and restrictions set forth in the said schedule shall be made in the enactments as so applied.

Provided, thirdly, that for the purposes of facilitating the application of the said enactments any Court in any area to which the same may have been applied may construe the provisions thereof and any notifications, orders, rules, forms or bye-laws thereunder with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before the Court.

Provided, fourthly, that subject to the provisions of this notification, the Resident at Hyderabad may direct by what officer any authority or power under the said enactments shall be exerciseable.

II. The notifications of the Government of India in the Foreign Department mentioned in the second schedule hereto¹ annexed are hereby cancelled to the extent noted against each.

¹ Not re-printed.

Provided that all civil and criminal proceedings pending at the date of this notification shall be carried on as if this notification had not been issued, but that, save as aforesaid, all proceedings commenced, officers appointed or authorized, jurisdictions or powers conferred or confirmed, notifications published, rules or bye-laws made, orders passed and things done under any of the enactments specified in the notifications hereby superseded in the said Administered Areas shall be, as far as may be, deemed to have been respectively commenced, appointed or authorized, conferred or confirmed, published, made, passed and done, under the corresponding enactments specified in this notification.

FIRST SCHEDULE.

Enactments applied	Areas to which applied.	Further modifications and restrictions.
1. The Succession (Property Protection) Act, 1841 (XIX of 1841).	The Cantonments of Secunderabad and Aurangabad	(1) References to "the Court of Sadr Diwani Adalat" or "the Sadr Diwani Adalat", shall be read as referring to the Court of the Resident at Hyderabad. (2) In section 19 for the words "Governments of the respective presidencies" the words "Resident at Hyderabad" shall be substituted.
2. The Judicial Officers' Protection Act, 1850 (XVIII of 1850).	All Administered Areas in the Hyderabad State.	
3. The Workman's Breach of Contract Act, 1859 (XIII of 1859).	The Cantonments of Secunderabad and Aurangabad.	(1) The preamble and section 5 shall be omitted. (2) In section 1 for the words "any Presidency-town" the words "the Cantonment of Secunderabad or Aurangabad" shall be substituted. (3) References to "a Magistrate of Police" and "the Magistrate" shall be read as referring to the Cantonment Magistrate

FIRST SCHEDULE—*contd.*

Enactments applied	Areas to which applied	Further modifications and restrictions.
The Employers and Workmen (Disputes) Act, 1860 (IX of 1860)	The Cantonments of Secunderabad and Aurangabad.	(1) In section 1 for the words "the executive Government of any presidency or place within the British territories in India" the words "the Resident at Hyderabad" shall be substituted and the words "Parliament or by any such executive" shall be omitted. (2) Section 9 shall be omitted.
5. The Indian Penal Code (Act XLV of 1860).	All Administered Areas in the Hyderabad State.	In section 75 the words "British India" shall be read as referring to British India, and the Administered Areas in the Hyderabad State.
6. The Police Act, 1861 (V of 1861).	All Administered Areas in the Hyderabad State	(1) References to an Inspector-General, Deputy Inspector-General or Assistant Inspector General of Police shall be read as referring to the First Assistant to the Resident at Hyderabad. and references to a general police-district as referring to the combined Administered Areas in the Hyderabad State. (2) In section 1 for the first paragraph the following shall be substituted.— "The words "Magistrate of the district" shall mean the officer exercising within the area in question the powers of a District Magistrate as described in the Code of Criminal Procedure, 1898." The fourth paragraph shall be omitted. (3) In section 4 the words from "and in such" to "shall seem fit", and the words "the Local" in the other places where they occur, shall be omitted. (4) Section 5 shall be omitted.

FIRST SCHEDULE—*contd.*

Enactments applied.	Areas to which applied	Further modifications and restrictions
7. The Indian Succession Act, 1865 (X of 1865).	All Administered Areas in the Hyderabad State.	(5) In sections 9 and 13 after the words "District Superintendent", in each place where they occur, the words "or Assistant District Superintendent" shall be inserted.
		(6) In section 34 the words from "within the limits" to "Local Government" shall be omitted.
		(7) In section 42 for the first paragraph the following shall be substituted —
		"Notice in writing of all actions and prosecutions against any person, which may be lawfully brought for anything done or intended to be done under the provisions of this Act, or under the general police powers hereby given, and of the cause thereof, shall be given to the defendant, or to the District Superintendent or Assistant District Superintendent of Police, one month at least before the commencement of the action, and all such prosecutions shall be commenced within three months after the act complained of shall have been committed, and not otherwise"
		(8) In section 46, sub section (1) and the first fourteen words of sub-section (2) shall be omitted.
		(1) The provisions of the Act shall not be applicable to Native Christians.
		(2) In section 3, the definition of "British India", and in the definition of "High Court" the word 'therein' shall be omitted.

FIRST SCHEDULE—*contd*

Enactments applied	Areas to which applied	Further modifications and restrictions
8 The Public Gambling Act, 1867 (III of 1867).	The Cantonments of Secunderabad and Aurangabad.	(1) The preamble, the first two paragraphs of section 1 and section 2 shall be omitted (2) In section 5 for the words "Lieutenant-Governor or Chief Commissioner" and in section 17 for the words "Lieutenant-Governor or Chief Commissioner as the case may be" the words "Resident at Hyderabad" shall be substituted
9. The Indian Divorce Act, 1869 (IV of 1869).	All Administered Areas in the Hyderabad State	(1) In section 3 for sub-section (2) the following shall be substituted — " (2) ' District Court ' means the First Assistant to the Resident at Hyderabad " (2) Nothing in the Act as applied shall be deemed to apply to British subjects.
10. The Court-fees Act, 1870 (VII of 1870).	All Administered Areas in the Hyderabad State.	In section 30 for the words "figure-head" the words "centre of the stamp" shall be substituted.
11. The Cattle-trespass Act, 1871 (I of 1871)	All Administered Areas in the Hyderabad State.	.....
12. The Indian Evidence Act, 1872 (I of 1872)	All Administered Areas in the Hyderabad State.	In sections 57, 74, 78 and 79 the words "British India" shall be read as referring to British India, the Administered Areas in the Hyderabad State and areas outside British India under the administration of the Governor General in Council.
13 The Special Marriage Act, 1872 (III of 1872).	All Administered Areas in the Hyderabad State.	.....
14 The Indian Contract Act, 1872 (IX of 1872).	All Administered Areas in the Hyderabad State.	.....

FIRST SCHEDULE—*contd.*

Enactments applied.	Areas to which applied	Further modifications and restrictions.
15. The Indian Christian Marriage Act, 1872 (XV of 1872).	All Administered Areas in the Hyderabad State	(1) Sections 47 and 56 shall be omitted. (2) Nothing in the Act as applied shall be deemed to apply to British subjects.
16. The Indian Oaths Act, 1873 (X of 1873)	All Administered Areas in the Hyderabad State.	.....
17. The Indian Majority Act, 1875 (IX of 1875)	All Administered Areas in the Hyderabad State	(1) In section 2 clause (b), for the words "Her Majesty's subjects in India" the words "persons within the Administered Areas in the Hyderabad State" shall be substituted (2) In section 3 the words "British India" shall be read as referring to British India and the Administered Areas in the Hyderabad State.
18. The Specific Relief Act, 1877 (I of 1877)	The Cantonments of Secunderabad and Aurangabad.	.....
19. The Destruction of Records Act, 1879 (III of 1879).	The Cantonments of Secunderabad and Aurangabad.	.....
20. The Hackney-carriage Act, 1879 (XIV of 1879).	The Cantonments of Secunderabad and Aurangabad and the Hyderabad Residency Bazars.	(1) In section 2 after the word "passengers" the words "goods or materials" shall be inserted (2) In section 4 the words "of any of the said territories" shall be omitted. (3) For the purpose of this Act the Hyderabad Residency Bazars shall be deemed to be a cantonment.
21. The Vaccination Act, 1880 (XIII of 1880).	The Cantonments of Secunderabad and Aurangabad and the Railway Lands.	(1) The second paragraph of section 1 and section 4 shall be omitted. (2) For the purposes of this Act the Railway Lands shall be deemed to be a cantonment.
22. The Probate and Administration Act, 1881 (V of 1881).	All Administered Areas in the Hyderabad State.	

FIRST SCHEDULE—*contd*

Enactments applied.	Areas to which applied.	Further modifications and restrictions.
23 The Indian Factories Act, 1881 (XV of 1881)	The Railway Lands.	.....
24 The Negotiable Instruments Act, 1881 (XXVI of 1881)	All Administered Areas in the Hyderabad State.	In section 11 the words "British India" shall be read as referring to British India and the Administered Areas in the Hyderabad State.
25. The Transfer of Property Act, 1882 (IV of 1882).	The Cantonments of Secunderabad and Aurangabad.	Only the following section of the Act shall apply as hereby modified — "108. In the absence of a contract or local usage to the contrary, if the lessor of immoveable property neglects to make, within a reasonable time after notice, any repairs which he is bound to make to the property, the lessee may make the same himself and deduct the expense of such repairs with interest from the rent, or otherwise recover it from the lessor."
26. The Indian Explosives Act, 1884 (IV of 1884).	The Cantonments of Secunderabad and Aurangabad.	Section 2 shall be omitted.
27. The Indian Telegraph Act, 1885 (XIII of 1885).	The Cantonments of Secunderabad and Aurangabad	.....
28. The Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).	All Administered Areas in the Hyderabad State.	(1) Section 1, sub-section (2), and sections 2, 17 and 32 shall be omitted. (2) In section 15 the words "or the Governor General in Council as the case may be" in both places where they occur, and the words "or the Governor General in Council" shall be omitted. (3) In section 33, sub-section (1), for the words "the last foregoing section" the words "the Births, Deaths and Marriages Registration Act, 1886, or the Secunderabad Births, Deaths and Marriages Registration Law 1888," shall be substituted.

FIRST SCHEDULE—*contd*

Enactments applied	Areas to which applied.	Further modifications and restrictions.
29. The Indian Tramways Act, 1886 (XI of 1886).	The Cantonment of Secunderabad and the Hyderabad Residency Bazars.	.....
30. The Suits Valuation Act, 1887 (VII of 1887).	All Administered Areas in the Hyderabad State.	.....
31. The Provincial Small Cause Courts Act, 1887 (IX of 1887).	All Administered Areas in the Hyderabad State	<p>(1) In section 2, sub-section (2), for the words and figures from "Act No XI of 1865" to "repealed by that Act" the words and figures "the Hyderabad Residency Small Cause Courts Law 1904, as subsequently amended," shall be substituted</p> <p>(2) In section 2, sub-section (3), after the words "thereby repealed" the words and figures "or to the Hyderabad Assigned District Small Cause Courts Law, 1889, in its application to the Administered Areas in the Hyderabad State, or to the Hyderabad Residency Small Cause Courts Law 1904," shall be inserted.</p> <p>(3) In section 8 for sub-sections (1), (2) and (3) the following shall be substituted.— "The Resident at Hyderabad may, by order in writing, appoint an Additional Judge of a Court of Small Causes, and regulate the distribution of work between the Judge and an Additional Judge"</p> <p>(4) In section 15, for the words "five hundred rupees" in sub-section (2) the words "one thousand rupees, or such smaller sum as the Resident may from time to time fix in this behalf" shall be substituted, and sub-section (3) shall be omitted</p> <p>(5) In section 24 and section 28, sub-section (1) for the words "District Court" the words "Court of the First Assistant to the Resident at Hyderabad" shall be substituted.</p> <p>(6) Section 28, sub-section (2) shall be omitted.</p>

FIRST SCHEDULE—*contd.*

Enactments applied	Areas to which applied.	Further modifications and restrictions.
32. The Measures of Length Act, 1889 (II of 1889).	All Administered Areas in the Hyderabad State.	(1) The preamble, sub-sections (2) and (3) of section 1, and sections 3 and 7 shall be omitted. (2) For section 2 the following shall be substituted — “The standard yard for British India shall be the legal standard measure of length in the Administered Areas in the Hyderabad State, and be called the standard yard”
33. The Indian Merchandise Marks Act, 1889 (IV of 1889).	The Cantonments of Secunderabad and Aurangabad.	In section 16, for sub-section (1) the following shall be substituted — “(1) The Resident at Hyderabad may, by notification in the Hyderabad Residency Orders, issue instructions for observance by Criminal Courts in the Administered Areas in the Hyderabad State in giving effect to any of the provisions of this Act”
34. The Succession Certificate Act, 1889 (VII of 1889).	All Administered Areas in the Hyderabad State.	For section 17 the following shall be substituted — “17. Where a certificate in the form of the second schedule to this Act has been granted under the Succession Certificate Act, 1889, by a Court having jurisdiction under the Act in British India or under the Act as applied in any area outside British India which is under the administration of the Governor-General in Council, or where a certificate in the form, as nearly as circumstances admit, of the said schedule has been granted to a resident within a foreign State by the British representative accredited to the State, or where a certificate so granted has been extended in such form by such Court or by such representative, the certificate shall have the same effect as a certificate granted or extended under this Act.”

FIRST SCHEDULE—*contd*

Enactments applied	Areas to which applied.	Further modifications and restrictions.
35. The Revenue Recovery Act, 1890 (I of 1890).	All Administered Areas in the Hyderabad State.	For section 8 the following shall be substituted :— “8 The provisions of this Act shall apply equally to— (a) the recovery in the Administered Areas in the Hyderabad State of any arrear of land revenue accruing or sum recoverable as an arrear of land revenue and payable to a Collector or other public officer or to a local authority in any part of British India or in any local area, which is not part of British India, but which is under the administration of the Governor-General in Council and to which the Revenue Recovery Act, 1890, has been applied, and (b) the demand for the recovery in British India or in any such local area of any such arrear accruing or sum so recoverable and payable, in the said Administered Areas.”
36 The Guardians and Wards Act, 1890 (VIII of 1890)	All Administered Areas in the Hyderabad State.	
37 The Indian Railways Act, 1890 (IX of 1890).	The Cantonments of Secunderabad and Aurangabad ¹	
38 The Prevention of Cruelty to Animals Act, 1890 (XI of 1890).	All Administered Areas in the Hyderabad State.	
39 The Bankers' Books Evidence Act, 1891 (XVIII of 1891).	All Administered Areas in the Hyderabad State.	
40. The Land Acquisition Act, 1894 (I of 1894).	All Administered Areas in the Hyderabad State.	In section 3 for clause (d) the following shall be substituted — “(d) The expression ‘Court’ means the First Assistant to the Resident at Hyderabad.”
41. The Prisons Act, 1894 (IX of 1894).	All Administered Areas in the Hyderabad State.	

¹For the notification applying the Act to the Railway Lands, see Appendix XVIII.

FIRST SCHEDULE—*contd.*

Enactments applied	Areas to which applied	Further modifications and restrictions.
42. The Epidemic Diseases Act, 1897 (III of 1897).	All Administered Areas in the Hyderabad State.	
43. The Reformatory Schools Act, 1897 (VIII of 1897).	All Administered Areas in the Hyderabad State.	In section 15, sub-section (1), for the words "in one province" and "in any other Province," respectively, the words "outside the Administered Areas in the Hyderabad State" and "in the Administered Areas in the Hyderabad State" shall be substituted
44. The Provident Funds Act, 1897 (IX of 1897)	All Administered Areas in the Hyderabad State.	In section 2, sub-section (3), after the words "Government of India" the words "or the Government of His Highness the Nizam of Hyderabad" shall be inserted.
45. The General Clauses Act, 1897 (X of 1897).	All Administered Areas in the Hyderabad State	In section 3, clause (7), the words "British India" shall remain unmodified, but in any other enactment, where this definition would otherwise apply, the words shall be read subject to the provisions of this notification.
46. The Indian Short Titles Act, 1897 (XIV of 1897).	All Administered Areas in the Hyderabad State.	.....
47. The Lepers Act, 1898 (III of 1898).	All Administered Areas in the Hyderabad State	(1) In section 2, for sub-section (3) the following shall be substituted.— “(3) ‘the leper asylum’ means the leper asylum at Chandkhuri in the Drug District of the Central Provinces, maintained by the Mission to Lepers in India and the East.” (2) For the words “a leper asylum” or “an asylum,” wherever they occur, the words “the leper asylum” shall be substituted.

FIRST SCHEDULE—*contd.*

Enactments applied	Areas to which applied.	Further modifications and restrictions.
48. The Code of Criminal Procedure, 1898 (V of 1898)	All Administered Areas in the Hyderabad State.	<p>(3) Sub-sections (2), (3) and 4 of section 1, sub-sections (4) and (5) of section 2, the words from "appoint any place" to "this Act and" in section 3, the words from "and any person" to "leper asylum" and the words "or Superintendent" in section 4, sections 5, 13, and 14, clause (b) in section 16, clause (b) and the first eight and the last eleven words in clause (a) in section 17, section 19, and Form E shall be omitted.</p> <p>(4) In section 8, sub-section (1), section 10, sub-section (2), and in Forms C and D, for the words "by order of the Board or the District Magistrate" the words "in accordance with the law for the time being in force, regarding the asylum at Chandkhuri, or by order of the District Magistrate" shall be substituted.</p>
		<p>(1) Sections 22 to 25 shall be omitted.</p> <p>(2) Trials before the Court of Session may, in the discretion of the Sessions Judge, be without jury or aid of assessors.</p> <p>(3) A person convicted on a trial held by a District Magistrate, who is also the Sessions Judge, may appeal to the High Court and in that case, notwithstanding anything in the Indian Limitation Act, 1908, as in force, the period of limitation for an appeal to the High Court shall be thirty days from the date of the conviction.</p>

FIRST SCHEDULE—*contd.*

Enactments applied	Areas to which applied	Further modifications and restrictions.
		<p>(5) In section 503, sub-section (1) after the words "such attendance and" the words "if such witness resides in any area to which this Code has been applied or in British India" shall be inserted</p> <p>(6) Nothing in the Code as applied shall be deemed to apply to proceedings against European British subjects or persons charged jointly with European British subjects</p> <p>.....</p>
49. The Indian Post Office Act, 1898 (VI of 1898)	All Administered Areas in the Hyderabad State.	
50. The Indian Stamp Act, 1899 (II of 1899)	All Administered Areas in the Hyderabad State.	In section 57, clause (d), after the words "Central Provinces" the words "the Administered Areas in the Hyderabad State" shall be added.
51. The Indian Petroleum Act, 1899 (VIII of 1899).	All Administered Areas in the Hyderabad State.	<p>1. Sub-section (3) of section 1 shall be omitted</p> <p>2. To sub-section (1) of section 24 after the word "direct" the words "for British India" shall be added.</p>
52. The Glanders and Farcy Act 1899 (XIII of 1899).	The Cantonments of Secunderabad and Aurangabad	Section 3 and the first eleven words in sub-section (1) of section 4 shall be omitted.
53. The Church of Scotland Kirk Sessions Act, 1899 (XXIII of 1899).	The Cantonments of Secunderabad and Aurangabad	.....
54. The Prisoners Act, 1900 (III of 1900)	All Administered Areas in the Hyderabad State	<p>(1) In sections 19, 29, and 30 the words "British India" shall remain unmodified.</p> <p>(2) In section 29, sub-section (1), the word "other" shall be omitted.</p> <p>(3) In section 30, sub-section (2), after the words "within the province" the words "or with the sanction of the Governor-General in Council, in British India" shall be inserted.</p> <p>(4) In section 32 the words "British India" shall be read as referring to British India and Belar.</p>

FIRST SCHEDULE—*contd.*

Enactments applied.	Areas to which applied	Further modifications and restrictions.
55. The Cantonments [House Accommodation] Act, 1902 (II of 1902).	The Cantonments of Secunderabad and Auangabad.	<p>(1) References to the Commanding Officer of the Cantonment and to the District Magistrate, respectively, shall be read as referring to the Officer Commanding the District and the First Assistant to the Resident at Hyderabad.</p> <p>(2) In section 16, clause (b) in sub-section (1) and the last clause (b) or " in sub-section (2) shall be omitted.</p> <p>(3) In section 18, sub-section (1), for the words "fifteen years" the words "one month" shall be substituted.</p> <p>(4) In section 27, sub-section (1), for the word "Station" the word "District" shall be substituted.</p> <p>(5) In section 28, the following shall be substituted for clause (a).—</p> <p>"(a) a Chairman, who shall be the First Assistant to the Resident at Hyderabad, or, if it is inconvenient for him to act on the Committee, some European Civil Gazetted Officer, other than the Cantonment Magistrate appointed by the Resident at Hyderabad to act in his stead."</p> <p>And in the first proviso for the words "District Magistrate or the Magistrate (if any) appointed by the District Magistrate" the words "First Assistant to the Resident at Hyderabad or the officer (if any) appointed in his stead" shall be substituted.</p> <p>(6) To section 40 the words "or under any other rule for the time being in force in the Cantonment" shall be added.</p>

FIRST SCHEDULE—*contd*

Enactments applied	Areas to which applied.	Further modifications and restrictions.
56. The Poisons Act, 1904 (I of 1904)	All Administered Areas in the Hyderabad State	.....
57. The Indian Railway Board Act, 1905 (IV of 1905)	The Cantonments of Secunderabad and Aurangabad ¹	.....
58. The Provincial Insolvency Act, 1907 (III of 1907)	All Administered Areas in the Hyderabad State.	.....
59. The Code of Civil Procedure, 1908 (V of 1908)	All Administered Areas in the Hyderabad State	<p>(1) In section 2, sub-section (5), section 10 and rule 49, sub-rules (4) and (5) of Order XXI in the First Schedule the words "British India" shall be read as referring to British India and the Administered Areas in the Hyderabad State.</p> <p>(2) For section 3, the following shall be substituted —</p> <p>"3. For the purposes of the Code Subordination of Courts the Court of the First Assistant Resident is subordinate to the High Court, and every Civil Court, of a grade inferior to that of the First Assistant Resident, and every Court of Small Causes is subordinate to the High Court and to the Court of the First Assistant Resident"</p> <p>(3) At the end of section 9 the words "and any suit instituted against a subject of His Highness the Nizam of which cognizance is barred by an order in writing signed by the Resident," shall be added</p> <p>(4) In section 24 for the words "District Court" the words "Court of the First Assistant Resident," shall be substituted.</p> <p>(5) In the proviso to section 29, after the word "summons," the words "are situate in British India or" shall be added</p>

¹For the notification applying the Act to the Railway Lands, see Appendix XVIII.

FIRST SCHEDULE—*contd.*

Enactments applied.	Areas to which applied	Further modifications and restrictions.
		<p>(6) For section 43 the following shall be substituted —</p> <p>“ 43 Any decree passed by a Civil Court in British India or by any Court established or continued by the authority of the Governor-General in Council may, if it cannot be executed within the jurisdiction of the Court by which it was passed, be executed in the manner herein provided within the jurisdiction of any Court in the Administered Areas in the Hyderabad State ”</p> <p>(7) In section 45, after the words “any Court,” the words “in India or” shall be added</p> <p>(8) In section 78, for clause (b) the following shall be substituted —</p> <p>“(b) Courts situate in British India or in any other part of the British Empire, or ”.</p> <p>(9) For section 115, the following shall be substituted —</p> <p>“ 115 When any decree or order is passed by any Subordinate Court and no appeal other than an appeal under section 100 lies, the Resident at Hyderabad may call for the record of the case and make such order thereon as he thinks fit ”</p> <p>(10) To rule 25 of Order V in the First Schedule the following shall be added. —</p> <p>“ Provided that, if the defendant resides in British India, the summons may be sent for service to a Court (not being a High Court) having jurisdiction at the place where he resides, and if the Court returns the summons with an endorsement signed by the Judge or other officer of the Court that the summons has been served on the defendant in manner heretofore directed, such endorsement shall be deemed to be evidence of service ”</p>

FIRST SCHEDULE—*contd.*

Enactments applied	Areas to which applied	Further modifications and restrictions
		<p>(11) To rule 6 of Order IX in the First Schedule the following shall be added.—</p> <p>“In any case falling under clause (a), the court may, instead of proceeding <i>ex parte</i>, issue a warrant for the arrest of the defendant and for his detention until such date as may be appointed for the hearing of the case, and may also direct the attachment of his property.”</p> <p>(12) The provisions of rule 48 of Order XXI in the First Schedule shall apply only to those cases in which the salary or allowances are payable in the Administered Areas in the Hyderabad State.</p> <p>(13) In rule 7 of Order XLVI in the First Schedule for the words “a District Court” and “the District Court” wherever they occur, the words “the Court of the First Assistant Resident” shall be substituted.</p>
60. The Explosive Substances Act, 1908 (VI of 1908)	All Administered Areas in the Hyderabad State	In section 4 for the words “British India,” in each place where they occur, the word “India” shall be substituted.
61. The Indian Limitation Act, 1908 (IX of 1908).	All Administered Areas in the Hyderabad State.	<p>(1) In section 13 the words “British India” shall be read as referring to “British India” and the territories of His Highness the Nizam including the Administered Areas in the Hyderabad State.</p> <p>(2) In section 14 references to a Court shall be read as including the Courts of His Highness the Nizam.</p>

FIRST SCHEDULE—*contd.*

Enactments applied.	Areas to which applied	Further modifications and restrictions
		<p>(3) Section 30 and the Second Schedule, shall be omitted.</p> <p>(4) For section 31, the following shall be substituted.—</p> <p>“31. Notwithstanding anything contained in this Act, a suit for foreclosure or a suit for sale by a mortgagee instituted within sixty years from the date when the money secured by the mortgage became due and pending at the date of this notification, in a Court either of first instance or of appeal, shall not be dismissed on the ground that a twelve years’ rule of limitation is applicable.”</p> <p>(5) In Article 152 of the second division of the First Schedule, for the words “a District Judge” the words “the First Assistant to the Resident at Hyderabad” shall be substituted.</p>
62 The Indian Registration Act, 1908 (XVI of 1908)	All Administered Areas in the Hyderabad State.	<p>(1) In section 33 the words “British India” shall remain unmodified.</p> <p>(2) In section 33 sub-section (1), after the words “executing the power-of-attorney resides” in clause (a) and after the words “does not reside” in clause (c), the words “in the Administered Areas in the Hyderabad State or” shall be added.</p>
63. The Whipping Act, 1909 (IV of 1909)	All Administered Areas in the Hyderabad State	Section 6 shall be omitted.
64 The Indian Paper Currency Act, 1910 (II of 1910)	All Administered Areas in the Hyderabad State.	<p>Only the following sections shall apply as hereby modified.—</p> <p>“15 A universal currency note¹ for the time being of British India and any currency note of the Bombay Circle of issue as established for the time being</p>

¹For the universalisation of Rs 100 notes, see notification No 2064 F, dated the 1st April 1911, *Gazette of India*, 1911, Part I page 233

FIRST SCHEDULE—*contd.*

Enactments applied	Areas to which applied	Further modifications and restrictions
65 The Indian Electricity Act, 1910 (IX of 1910).	The Cantonment of Secunderabad and the Hyderabad Residency Bazars.	<p>under the Indian Paper Currency Act, 1910, shall be a legal tender for the amount expressed in the note in payment or on account of—</p> <p>(a) any revenue or other claim to the amount of five rupees or upwards due to Government, and</p> <p>(b) any sum of five rupees or upwards due by Government or by any body corporate or person</p> <p>26. No person shall draw, accept, make or issue any bill of exchange, hundi, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe or take up any sum or sums of money on the bills, hundis or notes payable to bearer on demand, of any such person.</p> <p>Provided that cheques or drafts, payable to bearer on demand or otherwise, may be drawn on bankers, shroffs or agents by their customers or constituents, in respect of deposits of money in the hands of those bankers, shroffs or agents and held by them at the credit and disposal of the persons drawing such cheques or drafts.</p> <p>27 (1) Any person contravening the provisions of section 26 shall, on conviction by a Magistrate of the first class, be punishable with a fine equal to the amount of the bill, hundi, note or engagement in respect whereof the offence is committed</p> <p>(2) Every prosecution under this section shall be instituted by a person empowered in this behalf by the Resident at Hyderabad with the sanction of the Governor-General in Council."</p> <p>Section 1, sub-section (3) shall be omitted.</p>

FIRST SCHEDULE—*contd*

Enactments applied.	Areas to which applied	Further modifications and restrictions.
66. The Cantonments Act, 1910 (XV of 1910).	The Cantonments of Secunderabad and Aurangabad.	<p>(1) For section 3 the following shall be substituted.—</p> <p>“3. With the previous sanction of the Governor-General in Council, the Resident at Hyderabad may, by notification in the Hyderabad <i>Residency Orders</i>, define or alter the limits of the Cantonments of Secunderabad and Aurangabad for the purposes of this Act and of all other enactments for the time being in force.”</p> <p>(2) For section 6, the following shall be substituted —</p> <p>“6. The Cantonment Magistrate shall be such person as the Resident at Hyderabad may appoint in this behalf, and shall exercise the powers of a District Magistrate and such other powers described in the Code of Criminal Procedure, 1898, as locally applied, as the Resident at Hyderabad may from time to time confer upon him.”</p> <p>(3) Sections 7 to 10 shall be omitted</p> <p>(4) In section 15, for the words “the territories administered by such Government” wherever they occur, the words “British India” shall be substituted</p> <p>(5) In section 16, sub-section 1, for the words “any cantonment which is not included in a municipality and which is situated in any part of British India in which that Act is in force,” the words “the Cantonments of Secunderabad and Aurangabad” shall be substituted, and the words “the District Magistrate and” shall be deleted.</p>

FIRST SCHEDULE—*contd*

Enactments applied	Areas to which applied	Farther modification and restrictions.
		<p>(6) In section 25, for sub-sections (1) and (2) the following shall be substituted, namely —</p> <p>“(1) Whenever the Governor-General in Council has, by a notification in the Gazette of India, extended under section 23, any enactment in any form to any cantonment or any part of any cantonment in British India, or made under section 24 any rule for any such cantonment or any part of any such cantonment, the Governor-General in Council may, by notification in the Gazette of India, declare the enactment or rule so extended or made to be in force in the Cantonment of Secunderabad or Aurangabad or any part thereof, subject to such restrictions and modifications if any, as he thinks fit.</p> <p>(2) The enactment or rule shall thereupon, in accordance with such declaration, be in force in the Cantonment of Secunderabad or Aurangabad or part thereof, as the case may be, until the Governor-General in Council otherwise directs.”</p>
67 The Indian Annuity Act, 1911 (XVII of 1911.)	The Cantonment of Secunderabad and the Hyderabad Residency Bazaars.	<p>(1) Section 1 sub-section (3) and section 4 sub-section (2) shall be omitted.</p> <p>(2) In section 6 after the words “any rule made” the words “or notification issued” shall be inserted.</p>
68 The Indian Lunacy Act, 1912 (IV of 1912)	All Administered Areas in the Hyderabad State.	<p>(1) To section 3, sub-section (1), the following shall be added:—</p> <p>“and includes any asylum in British India which the Governor-General in Council may by general or special order appoint.”</p>

FIRST SCHEDULE—*concl'd.*

Enactments applied	Areas to which applied	Further modification and Restrictions
69 The Wild Birds and Animals Protection Act, 1912 (VIII of 1912)	All Administered Areas in the Hyderabad State.	<p>(2) Sections 14, 15 and 67 shall be subject to the proviso that, if a lunatic is an inhabitant of a Native State, the Magistrate or Judge, as the case may be, may make him over to the care of such State, with its consent and, in the case of an order under section 67, with the consent of the person on whose application the inquisition was instituted.</p> <p>(3) In section 85 for the words "in any province" and "in any other province," respectively, the words "in the Administered Areas in the Hyderabad State" and "outside the Administered Areas in the Hyderabad State" shall be substituted.</p> <p>.....</p>

[*Gazette of India*, 1913, Pt. I, p. 303.]

Indian Railways Act, 1890, and Indian Railway Board Act, 1905, applied to the Railway Lands.

No. 784-I.B., dated the 9th April 1913.—Printed in Appendix XVIII.

VI—Orders relating to Courts.

No. 1431-I, dated the 27th April 1893—Printed in Appendix XIII

No. 1863-I.A, dated the 13th May 1904.—Printed in Appendix IV

No. 853-B, dated the 16th April 1913—Printed in Appendix IV.

No. 2616-I, dated the 6th August 1890—Printed in Appendix IV.

No. 860-I B, dated the 19th March 1912 - Printed in Appendix IV.

No. 1905-I, dated the 28th May 1884

No. 1269-I, dated the 23rd April 1885

No. 1147-I, dated the 22nd March 1885.

No. 3071-I, dated the 18th September 1890

No. 165-I, dated the 13th January 1892

No. 3089-I, dated the 18th September 1890—Printed *supra* p 215.

Execution of capital sentences in British India

Criminal law and procedure of British India applicable to British subject in Native States.

High Court at Bombay to exercise jurisdiction over European British subjects.

Justices of the Peace to commit for trial to the High Court having jurisdiction.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

Appointment of Justices of the Peace.

First Assistant Resident empowered to refer and transfer cases to Justices of the Peace
Constitution of Criminal Courts High Court.

No. 583-I. B, dated the 22nd March 1913.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to direct, in supersession of all previous provisions to that effect, that for the purposes of criminal jurisdiction within the Administered Areas in the Hyderabad State, namely—

the Cantonments of Secunderabad and Aurangabad,

the Hyderabad Residency Bazars, and

the lands occupied by—

His Highness the Nizam's Guaranteed State Railway,

the Hingoli Branch Railway,

the Hyderabad-Godavari Valley Railway,

the South-East main line of the Great Indian Peninsula Railway, and

the broad gauge North-West main line of the Madras and

Southern Maratha Railway,

the Resident at Hyderabad shall exercise the powers of a High Court as defined in the Code of Criminal Procedure, 1898, as applied to the said Areas, except in proceedings against European British subjects or persons jointly charged with European British subjects.

[*Gazette of India*, 1913, Pt. I, p. 321.]

¹Courts of Session
and District Magis-
trates

No 30-J, dated the 9th April 1913 —In exercise of the powers conferred by sections 7, 9 and 10, respectively of the Code of Criminal Procedure, 1898, as applied to the Administered Areas in the Hyderabad State by the notification of the Government of India in the Foreign Department, No 582-I B, dated the 22nd March 1913, the Resident at Hyderabad is pleased, in supersession of all previous notifications to that effect, —

- (a) with the sanction of the Governor-General in Council to direct that the areas mentioned in the first column of the schedule hereto annexed shall be a sessions division, of which each shall be a district, for the purposes of the said Code,
- (b) to establish a Court of Session for the said sessions division and to appoint as Judge of such Court the officer named in the third column of the said schedule, and
- (c) to appoint each of the officers named in the second column of the said schedule to be a Magistrate of the first class and District Magistrate for the district mentioned in the corresponding entry in the first column.

SCHEDULE.

Administered Area.	District Magistrate.	Sessions Judge
1	2	3
The Cantonment of Secunderabad . The Cantonment of Aunangabad . The Hyderabad Residency Bazars The lands occupied by— His Highness the Nizam's Guaranteed State Railway. The Hyderabad-Godavari Valley Railway. The Hingoli Branch Railway . The South-East main line of the Great Indian Peninsula Railway. The broad gauge North-West main line of the Madras and Southern Maratha Railway.	The Cantonment Magis- trate, Secunderabad. The Cantonment Magis- trate, Aunangabad The Superintendent, Resi- dency Bazars. The First Assistant to the Resident at Hyderabad	The First Assistant to the Resident at Hyderabad.

[Hyderabad Residency Orders, 1913, Pt I, p 25]

¹ Other Magisterial appointments, except those noted *infra*, are made by personal notifications.

² Printed *supra* p 227.

No. 84-J, dated the 17th October 1907.—In exercise of the powers conferred on him by section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898), as applied to the railway lands in the territories of His Highness the Nizam of Hyderabad * * * the Resident is pleased to appoint the officer for the time being holding the office of Second Assistant Resident and Superintendent of the Residency Bazars to be a Magistrate of the first class within the said lands

[*Hyderabad Residency Orders*, 1907, Pt. I, p 169]

No. 33-J, dated the 22nd April 1908—In exercise of the powers conferred on him by section 12 of the Code of Criminal Procedure, 1898 (Act V of 1898) as applied to the railways lands in the territories of His Highness the Nizam of Hyderabad * * * the Resident is pleased to appoint the officer for the time being holding the office of Cantonment Magistrate of the Aurangabad Cantonment to be a Magistrate of the first class within the said lands and to declare that his jurisdiction shall extend only to the lands occupied by the Hyderabad-Godavari Valley Railway.

[*Hyderabad Residency Orders*, 1908, Pt. I, p 51]

No. 336, dated the 17th October 1898—In exercise of the * * * Additional powers of Magistrates in all Administered Areas. powers vested in him by section 27 of the Code of Criminal Procedure, Act V of 1898, as applied to * * * the Hyderabad Residency Bazars, the Cantonment of Secunderabad, the Hyderabad Contingent stations of Aurangabad, Bolarum, * * * and the railway lands in the territories of His Highness the Nizam of Hyderabad * * * the Resident is pleased to issue the following orders :—

I All Magistrates of the first class, now standing appointed or who may hereafter be appointed are hereby invested with the following additional powers as enumerated in schedule IV of Act V of 1898 —

- (2) Power to require security for good behaviour, section 110
- (3) Power to make orders as to local nuisances, section 133.
- (4) Power to make orders prohibiting repetitions of nuisances, section 143.
- (5) Power to make orders under section 144.
- (6) Power to hold inquests, section 174.
- (7) Power to issue process against a person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.
- (8) Power to take cognizance of offences upon complaint, section 190.
- (9) Power to take cognizance of offences upon police reports, section 190.

(10) Power to take cognizance of offences without complaint, section 190.

(13) Power to sell property alleged or suspected to have been stolen, etc., section 524

(14) Power to order released convicts to notify residence, section 565

II All Magistrates of the second class (now standing appointed or who may hereafter be appointed) are hereby invested with the following powers —

(2) Power to make orders prohibiting repetitions of nuisances, section 143

(3) Power to make orders under section 144

(4) Power to hold inquests, section 174.

(5) Power to take cognizance of offences upon complaints, section 190.

(6) Power to take cognizance of offences upon police reports, section 190.

III. All Magistrates of the third class (now standing appointed or who may hereafter be appointed) are hereby invested with the following powers:—

(3) Power to hold inquests, section 174.

(4) Power to take cognizance of offences upon complaint, section 190.

(5) Power to take cognizance of offences upon police reports, section 190

These powers will be exercised subject to the general control of the District Magistrate.

[*Hyderabad Residency Orders*, 1898, Pt. I, p. 368]

Constitution of
Civil Courts in all
Administered Areas.

No 532-I B, dated the 4th February 1904.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to make the following arrangements for the purposes of the exercise of civil jurisdiction within the Hyderabad Residency Bazars, the Cantonment of Secunderabad (inclusive of the area hitherto known as the “Contingent Station” of Bolarum) the Cantonment (hitherto known as the “Contingent Station”) of Aurangabad and the railway lands in the territories of His Highness the Nizam of Hyderabad (other than the railway lands in Berar and those referred to in the notifications of the Government of India in the Foreign Department, No 4564-I, dated the 18th November 1891, and No. 3244-I.B, dated the 23th August 1897, —

(1) There shall be a District Court for the areas comprising the Hyderabad Residency Bazars, the Cantonment of Secunderabad (inclusive of the area hitherto known as the “Contingent Station” of Bolarum), the cantonment (hitherto known as the “Contingent Station”) of Aurangabad and the railway lands in the territories of His Highness the Nizam of Hyderabad (other than the railway lands in Berar and those referred to

¹ Superseded by notification No. 778-I B., dated the 9th April 1913 Printed Volume V, p. 35.

in the notifications of the Government of India in the Foreign Department, No. 4564-I, dated the 15th November 1891, and No. 3244-I B., dated the 26th August 1897) which shall be deemed to be the principal Civil Court of original jurisdiction for such areas with jurisdiction in all original suits or proceedings, whatever be the amount or value of the subject matter except proceedings under the Indian Divorce Act, 1869, as applied to the Cantonment of Secunderabad

²(2) The Civil and Small Cause Court Judge at Secunderabad shall be the Judge of the District Court and shall, when exercising all or any of the powers of that Court, be designated Civil Judge

(3) The Resident at Hyderabad may, by order in writing, invest any
* * *² Magistrate,³ having powers as described in the Code of Criminal Procedure, 1898, within the limits of all or any of the aforesaid areas, with all or any of the powers of the District Court, and may declare that the powers with which a Magistrate is so invested shall be exercised within any specified area and with respect to any particular class or particular classes of cases, or with respect to cases generally, and that they shall be exercised in that area with respect to those cases for a limited period only and may cancel or modify such order

(4) A Magistrate when exercising powers conferred under the last preceding clause shall be designated Joint Civil Judge.

(5) The Resident at Hyderabad may, by order in writing, direct how business shall be distributed between the Civil Judge and a Joint Civil Judge.

(6) Appeals shall lie, subject to the provisions of the enactments for the time being in force in the aforesaid areas, against decrees and orders passed by the Civil Judge, or Joint Civil Judge, to the First Assistant Resident at Hyderabad, who shall exercise the powers of an Appellate Court as defined in the Code of Civil Procedure.

(7) Subject to the provisions of the said enactments, a second appeal against the decrees and orders of the First Assistant Resident shall lie to the Resident at Hyderabad, who shall exercise the powers of a High Court for all purposes whatsoever connected with the administration of civil justice in the said areas. Provided that all cases or proceedings from the aforesaid areas pending in the Court of the Judicial Commissioner of Berar on the day on which this notification comes into force shall be disposed of as if this notification had not been issued

¹ See footnote 1 on the previous page.

² See notification No. 3593-I B., dated the 1st October 1908 *Gazette of India*, 1908, Pt. I, p. 887

³ The Assistant Cantonment Magistrates, Secunderabad, are invested with such powers personally

(8) This notification supersedes *Residency Orders* notifications No. 47, dated 17th July 1899, and No. 31, dated 4th July 1898.

[*Gazette of India*, 1904, Pt I, p. 117.]

Joint Civil Judge,
Aurangabad

No 27, dated the 4th April 1908—In exercise of the power conferred on him by the notification of the Government of India in the Foreign Department¹ No 532-I B, dated the 4th February 1904, the Resident is pleased to invest the officer for the time being holding the office of Cantonment Magistrate of the Aurangabad Cantonment with power to try original civil suits of which the value does not exceed five thousand rupees and to declare that the power shall be exercised by the said Cantonment Magistrate within the limits of the Cantonment of Aurangabad.

* * * * *

[*Hyderabad Residency Orders*, 1908, Pt I, p. 44]

Joint Civil Judge,
Hyderabad Resi-
dency Bazars

No 24, dated the 1st March 1904—In exercise of the power conferred on him by the notification of the Government India in the Foreign Department¹ No. 532, I B, dated the 4th February 1904, the Resident is pleased to invest the officer for the time being holding the office of the Superintendent, Residency Bazars, with power to try original civil suits of which the value does not exceed five thousand rupees and to declare that the power shall be exercised by the said Superintendent, Residency Bazars, within the limits of the Hyderabad Residency Bazars.

[*Hyderabad Residency Orders*, 1904, Pt I, p. 86]

Additional Small
Cause Court Judge,
Aurangabad²

³*No. 26-J., dated the 4th April 1908.*—In exercise of the power conferred on him by section 6 of the Hyderabad Residency Small Cause Courts Law 1904, the Resident is pleased to appoint the officer for the time being holding the office of Cantonment Magistrate of the Aurangabad Cantonment to be an Additional Judge of the Court of Small Causes constituted in the Cantonment of Secunderabad, and to direct that the said Cantonment Magistrate shall take cognizance of all suits which arise within the Cantonment of Aurangabad and the value of which does not exceed five hundred rupees.

[*Hyderabad Residency Orders*, 1908, Pt. I, p. 44.]

Additional Small
Cause Court Judge,
Hyderabad Resi-
dency Bazars.

³*No 23, dated the 1st March 1904*—In exercise of the power conferred on him by Section 6 of the Hyderabad Residency Small Cause Court's Law 1904, the Resident is pleased to appoint the officer for the time being holding the office of the Superintendent, Residency Bazars, to be an

¹ Printed *supra* page 252

² The Assistant Cantonment Magistrates, Secunderabad, are personally invested with Small Cause Court powers

³ This notification is kept in force by modification (2) in the application of Act IX of 1887 by notification No 582-I B, dated the 22nd March 1913, *supra*, p. 227, when superseding the Hyderabad Residency Small Cause Courts Law, 1904,

Additional Judge of the Court of Small Causes constituted in the Cantonment of Secunderabad, and to direct that the said Superintendent. Residency Bazars, shall take cognizance of all suits cognizable by the Court which arise within the Hyderabad Residency Bazars and the value of which does not exceed five hundred rupees

[*Hyderabad Residency Orders*, 1904, Pt I, p. 86.]

¹No 85-J., dated the 17th October 1907.—In exercise of the power conferred on him by section 6 of the Hyderabad Residency Small Cause Court's Law, 1904, the Resident is pleased to appoint the officer for the time being holding the appointment of Second Assistant Resident and Superintendent of the Residency Bazars at Hyderabad to be an Additional Judge of the Court of Small Causes constituted in the Cantonment of Secunderabad and to direct that he shall take cognizance of all suits cognizable by the Court which arise in the railway lands in the territories of His Highness the Nizam of Hyderabad * * * and the value of which does not exceed 50 rupees.

Additional Small Cause Court Judge, for all railway lands.

* * * *

[*Hyderabad Residency Orders*, 1907, Pt I., p 169]

No. 38, dated the 20th May 1899 —In exercise of the power conferred upon him by section 392 of the Code of Criminal Procedure (Act V of 1898) as applied * * * the Resident is pleased to direct that when a Court awards a sentence of whipping to an adult person of or over 16 years of age, the whipping shall be inflicted on the posteriors of the offender. In the case of juveniles under 16 years of age, the application shall also be to the posteriors, but with a light rattan and with no more severity, having regard to the age and strength of the juvenile to be punished, that would ordinarily be used in a school for a breach of school discipline.

Mode of inflicting whipping

[*Hyderabad Residency Orders*, 1899, Pt. I, p 175]

No 73, dated the 29th November 1901 —In exercise of the power conferred by section 541 clause (1) of the Code of Criminal Procedure, 1898 (Act V of 1898) as applied * * * the Resident at Hyderabad is pleased to direct that persons sentenced to imprisonment for a period not exceeding one day shall be confined in the Court-house of the sentencing Magistrate

Sentences of imprisonment not exceeding one day to be carried out in the Court-house.

[*Hyderabad Residency Orders*, 1901, Pt I, p 369.]

No. 178, dated the 22nd July 1889 —The following rules for regulating the payment of the expenses of complainants and witnesses in criminal cases, sanctioned by the Governor General in Council in 1873 are hereby published

Payment of expenses of complainants and witnesses in Criminal Courts

¹ See footnote 2 on the previous page.

for the information and guidance of the Criminal Courts under this Administration :—

Under the provisions of section 544 of the Code of Criminal Procedure the Governor-General in Council has been pleased to pass and sanction the following rules for regulating the payment on the part of Government of the expenses of complainants and witnesses in cases coming before the Criminal Courts in the Hyderabad Assigned Districts.

2 The Criminal Courts are authorised to pay, at the rates specified below, the expenses of complainants or witnesses (1) in cases in which the prosecution is instituted or carried on by or under the orders or with the sanction of the Government or any Judge, Magistrate, or any other public officer, or in which it shall appear to the presiding officer to be directly in furtherance of the interests of the public service; (2) in all cases entered in column 5 of the schedule appended to the Criminal Procedure Code as not bailable, (3) in all cases which are cognizable by the Police; and (4) of witnesses in all cases in which they are compelled by the Magistrate of his own motion to attend under the provisions of sections 540 of the Code.

3. European and East Indian witnesses, when summoned by a Criminal Court to give evidence, are to be allowed their actual expenses for carriage when the same are not in excess of six annas a mile They are also to be allowed a sum not exceeding Rupees 2-8-0 a day for subsistence if they demand the same.

4. As a general rule, native witnesses of the better class as Patels, Panderpeshas, merchants, vakils, and persons of corresponding rank, as well as all witnesses who are in no way concerned in the case in which their evidence is given, but whose evidence is required for furthering the ends of justice (such as attesting witnesses to depositions and inquest reports, provided they can read and write), are to be allowed six annas a day as subsistence money, and they are also to receive railway and other travelling expenses that have been actually incurred by them, provided the same be reasonable

5. Native witnesses of the class of cultivators and menials who would not under ordinary circumstances voluntarily incur any expense on account of special lodging when away from home are to be allowed subsistence money at the rate of four annas a day, and are also to receive railway and other travelling expenses actually incurred by them, provided the same be reasonable.

6. Peculiar cases (that is cases not coming under the operation of Rules 4 and 5) are to be dealt with according to their own merits and at the discretion of the Court from which subsistence money or travelling allowance is demanded.

7. When a witness lives in the same town or village in which the Court before which he is required to give evidence is situated, the Court may award him such sum not exceeding four annas a day as may compensate him for any loss he may have incurred by attendance upon the Court.

8. The foregoing instructions cancel that portion of the Resident's Book Circular No. 1 of 1882 addressed to the Sessions Judge, Hyderabad, Superintendent, Residency Bazars; Cantonment Magistrate, Sikanderabad, and the Superintendent of His Highness the Nizam's State Railway, which relates to subsistence money and travelling allowances for witnesses summoned in criminal cases

[*Hyderabad Residency Orders*, 1889, Pt. I, p. 142.]

No. 17, dated the 8th March 1900.—In exercise of the powers conferred on him by section 645 of the Code of Civil Procedure, 1882 (Act XIV of 1882) and section 558 of the Code of Criminal Procedure, 1898 (Act V of 1898) as applied to the Hyderabad Residency Bazars, the Cantonment of Secunderabad, * [the Cantonment of Aurangabad,] the Hyderabad Contingent stations of Bolarum * * and the railway lands in the territories of His Highness the Nizam of Hyderabad * * * the Resident is pleased to declare that English shall be the language of the Civil and Criminal Courts in the said areas.

English to be the language of the Courts.

[*Hyderabad Residency Orders*, 1900, Pt. I, p. 66.]

No. 207, dated the 10th May 1899.—Not re-printed.

Seals of Courts.

[*Hyderabad Residency Orders*, 1899, Pt. I, p. 166.]

No. $\frac{73}{75}$, dated the 24th December 1900.—Not re-printed.

[*Hyderabad Residency Orders*, 1900, Pt. I, p. 2.]

No. 39, dated the 9th June 1899.—Printed *infra* page 267.

Inspection of judicial records.

No. 98-J., dated the 11th October 1910.—Not re-printed.

Grant of, and fees for, copies of judicial records.

[*Hyderabad Residency Orders*, 1910, Pt. I, p. 195.]

¹ See now section 137 of the Code of Civil Procedure, 1908 (Act V of 1908) as applied *supra* p. 241.

Incorporated here for facility of reference though actually provided for by a separate notification No. 33-J., dated the 18th June 1906. *Hyderabad Residency Orders*, 1906, Pt. I, p. 71.

Maintenance and custody of livestock and other moveable property under attachment by Civil Courts.

¹No. 87, dated the 12th August 1878.—The Resident is pleased, under ²section 269, Act X of 1877, to make the following rules for the maintenance and custody, while under attachment, of livestock and other moveable property :—

I.—Livestock.

When application is made to any Court for the attachment of livestock the Court may demand in advance, at rates to be fixed by it half-yearly, or oftener if necessary (with the sanction of the District Court), the amount requisite for the maintenance of the livestock from the probable time of attachment to the probable time of sale; or may, at its discretion, make successive demands for portions of such period.

2. The above rates will include cost of feeding, tending and conveyance, and all other charges requisite for the maintenance and custody of the livestock.

3. The attached livestock may, after seizure, be placed, at the discretion of the Court, in the custody of the judgment-debtor, or of the decree-holder, or of some headman, herdsman or other respectable person who will undertake to keep and maintain the livestock, subject to the orders of the Court. Except cases in which herdsmen are employed, the Court shall have power to require competent security from the depository, to the extent of the value of the said livestock, for its production in good condition when required. If the livestock be entrusted to any person other than the judgment-debtor, the amount or a part thereof paid by the decree-holder for the maintenance of the cattle, may, at the discretion of the Court, be delivered over to the custodian of the livestock to be used for their maintenance. The Court may at any time at its discretion, remove the cattle from the custody of any one person to that of any other person coming under the above descriptions.

4 The attaching officer shall, in every case, make a list and valuation of the attached livestock in the following form :—

Number of sunt and names of parties.	Kind of livestock.	Colour distinguishing marks, and approximate age of livestock.	Condition and approximate value of livestock.	To whom livestock is entrusted, and what security taken.
1	2	3	4	5

¹ These rules were extended to the Hyderabad Residency Bazars, Bolarum and the Railway lands in the Administered Areas by notification No. 53, dated the 17th September 1901. *Hyderabad Residency Orders*, 1901, Part I, page 260

² See now Section 128 (2) (b) of the Code of Civil Procedure, 1908 (Act V of 1908) as applied *supra* p. 241.

And shall obtain thereto the acknowledgment of the person in whose custody the livestock are left, and if possible, of the parties to the suit and of one or two respectable inhabitants of the locality in attestation of the correctness of the list.

5. If the livestock be entrusted to any person other than the judgment-debtor, the produce, such as milk, eggs, etc., if any, may either be sold, as promptly as possible, for the benefit of the judgment-debtor, or may, at the discretion of the Court, be set off against the cost of maintenance of the said livestock.

II.—Heavy and bulky property.

6. When an application is made for the attachment of heavy or bulky articles, the Court may demand in advance such sum as it may seem requisite for the purpose of conveying the said articles from the place of attachment to the court-house, or to such other place as the Court shall appoint for its storage. But the Court may direct that such articles, after seizure, shall be entrusted, on such terms as it may think fit, to the judgment-debtor, or to some respectable person who is willing to undertake the custody thereof, or to an officer of the Court, to be kept in such place of safety as it may direct.

The attaching officer shall prepare an inventory of such articles attached, and shall obtain thereto the acknowledgment of the person in whose custody they are left, and, if possible, of the parties to the suit, and of one or two respectable inhabitants of the locality, in attestation of the correctness of the attachment list

8. In determining whether such articles should be taken to the court-house, or should be deposited elsewhere, the probable cost of their carriage in proportion to their value should be taken into account.

III.—Light and conveniently portable property.

9. Light and conveniently portable articles of all kinds, and specially valuable property of small bulk, such as jewels, etc., shall, after seizure, be made over to an officer of the Court, to be kept in such place of safety as the court may direct.

[*Hyderabad Residency Orders*, 1878, Pt. I, p. 410.]

No. 76, dated the 2nd September 1907 —In exercise of the power conferred by section¹ 641 of the Code of Civil Procedure, 1882 (XIV of 1882), as applied to the areas administered by him under the notification of the Government of India in the Foreign Department, No. 531-I.B., dated the 4th February 1904, the Resident is pleased to exempt the following officials and nobles of the

Exemptions from
personal appearance
in Civil Courts.

¹ See now section 133 of the Code of Civil Procedure, 1908 (Act V of 1908) as locally applied *supra* p 241.

Hyderabad State from personal appearance in the Civil Courts in the said areas : —

Officials

1. The Minister to His Highness the Nizam.
2. The Departmental Ministers and Members of the Cabinet Council of His Highness the Nizam's Government.
3. The Staff Officials of His Highness the Nizam, viz :—
 - (a) The Secretary to His Highness, and the Sarf-i-Khas Secretary.
 - (b) The Aides-de-Camp to His Highness.
 - (c) The Staff Surgeon to His Highness.
 - (d) The Physician to His Highness.

Nobles.

(Personal¹ list.—Not reprinted.)

[*Hyderabad Residency Orders*, 1907, Pt. I, p. 144.]

English to be the language of the Courts.

No. 17, dated the 8th March 1900.—Printed *supra* p. 257.

Payment of expenses of witnesses in Civil Courts.

No. 235, dated the 1st December 1887.—The Resident is pleased in supersession of all previous orders on this subject under section 160, Act XIV of 1882² to lay down the following scale of expenses for witnesses summoned to attend Civil Courts .—

Class I.—Rupees 5 per diem. All Covenanted and Commissioned officers of Government, Uncovenanted Officers holding appointments equal to or above the rank of Extra Assistant Commissioners, Europeans and Eurasians of the higher classes, and Natives of distinction.

Class II.—Rupees 3 per diem. Non-official Europeans or Eurasians of the middle class, the higher description of clerks in the public offices. Tahsildars, Inspectors of Police or officials of similar rank, and Native gentlemen of the higher classes not coming under class I.

Class III—Rupee 1 per diem. Other Europeans and Eurasians, inferior clerks in public offices, ministerial employés in vernacular offices or departments, and natives of respectability generally, such as ex-pergunnah officers and Native bankers.

Class IV.—Four annas per diem. All Natives not included in the above classes.

Amended by notification No. 13, dated the 2nd January 1909. *Hyderabad Residency Orders*, 1909, Pt. I, p. 4.

See now the Code of Civil Procedure, 1908 (Act V of 1908) as applied *supra* p. 243.

2. All persons residing within six miles of the Court may be considered as able to come in and return on the same day, and shall therefore be held entitled to one day's subsistence allowance only. Those residing from six to twelve miles may come in one day and return the next, they shall therefore be entitled to two days' subsistence allowance, and so on. An extra day for every six miles, or, in other words, every witness shall receive a day's allowance for every twelve miles he has to travel. The necessary duration of journeys wholly or partly by rail will be decided by each Court.

The determination of the particular class to which a witness belongs is a question which should invariably be decided by the Court itself, and is not one that should be left for settlement between witnesses and parties.

[*Hyderabad Residency Orders*, 1887, Pt. I, p. 157.]

No. 58-J, dated the 11th August 1905.—The following rules regulating the practice and proceedings of the Court of the Resident at Hyderabad in regard to the admission of appeals to His Majesty's Privy Council made by the Resident under section 612 of the ¹Civil Procedure Code (Act XIV of 1882) as applied to the Hyderabad Residency Bazars, the Cantonment of Secunderabad (inclusive of the area hitherto known as the "Contingent Station" of Bolarum), the Cantonment (hitherto known as the "Contingent Station") of Aurangabad and the Railway Lands in the territories of His Highness the Nizam of Hyderabad (other than the Railway Lands in Berar and those referred to in the ²notifications of the Government of India, in the Foreign Department, No 4564-I.B., dated the 18th November 1891, and No. 3244-I.B., dated the 26th August 1897), are hereby published for information in supersession of the rules published in the *Residency Orders*, notification No. 275, dated the 30th June 1899.

2. Copies of the orders of His Majesty's Council on the subject of submission of the records, printing of the records in India or elsewhere, amount of security, and other matters relating to the appeal are given as an appendix to these rules for convenience of reference.

Rules relating to the admission of civil appeals to His Majesty's Privy Council.

Notices issued under section 600 or section 603 of the ¹Code of Civil Procedure, or under any other section of Chapter XLV of the said Code, shall be served under the rules in force for the service of ordinary processes.

2. The security for the costs of the respondent referred to in section 602 and 605 of the said Code shall ordinarily be to the amount of Rs. 4,000, and

¹ See now the Code of Civil Procedure 1908 (Act V of 1908) as applied. *supra* p. 241.

² See now notification No 778-I.B., dated the 9th April 1913, printed Vol V, p 35

shall consist either of cash or of Government securities or of immoveable property, or, if necessary, may be made up of any two or more of the above kinds of property.

Amount and nature of security.

If in any special case falling under section 605, on the application of the respondent, the Resident requires the appellant to furnish further security, such security shall be of the like nature as that prescribed above; but under rules framed by His Majesty in Council and given in appendix B, such security shall in no case exceed Rs. 10,000.

The security referred to in sections 608 and 609 shall be of such nature and amount as the Resident may on the merits of the case decide, and shall consist of cash or of Government securities or of immoveable property.

3. When the security offered under section 602, section 605, section 608, or section 609 consist either wholly or in part of immoveable property, the appellant or respondent, as the case may be, shall file a bond duly registered mortgaging the property, together with a specification of the title of the mortgagor.

Mortgage of immoveable property as security.

4. When such bond has been filed, the Resident shall direct the security to be tested either by the Clerk of the Court or by the Judge of the Court of the district within which the immoveable property mortgaged is situated.

The testing of the security.

5. Upon the application of the appellant, accompanied by the prescribed fee, an estimate of the amount required to defray the expenses of translating, transcribing, indexing, and transmitting to England the copy of the record of the suit shall be prepared by the Clerk of the Court with reference to the rates shown in rule 18 within 14 days of such application

Estimate of costs. Estimate may be dispensed with.

Provided it shall be at the discretion of the Resident to dispense with the estimate and to allow the appellant to deposit a sum of Rs. 2,000 on account of expenses, or such amount or amounts as may under the circumstances of the case seem reasonable.

6. Within 14 days of the admission of the appeal, the Clerk of the Court shall prepare a list A (of papers in the record which it is proposed to transcribe and transmit to the Registrar of the Privy Council) and list B (of formal and other papers which it is not proposed to transcribe or transmit which shall ordinarily be those specified in section 602, clause b (1) and (3) of the Code) and shall forward copies of the list to the appellant and respondent.

List of papers.

7. At any time within two weeks from the receipt of the lists, the appellant or the respondent may object thereto; and if the Clerk of the Court refuse to allow the objection, the matter shall be at once submitted for the orders of the Resident.

¹[8 All documents which are not originally in the English language, and which have not been translated for the use of the Resident, shall be translated into English by the Clerk of the Court or by an authorized translator of the Court of Resident; and all the translations made or used shall be revised and authenticated by the Clerk of Court

For such translation, revision, and authentication a time not exceeding four months shall be fixed by the Resident.

9. The translation, revision, and authentication having been completed, the preparation and examination of the transcript record for despatch to England shall be carried out under the orders of the Resident by the Clerk of Court, who shall certify under his hand the correctness of the transcript.

For the purpose of this rule a period of two months shall be allowed.]

10. As soon as the transcript record is complete, it shall be reduced as far as possible to chronological order, and a complete index of all the papers, documents and exhibits in the case, with a list showing which have been omitted from the transcript record, shall be prepared by the Clerk of the Court within a period of one month in the following form :—

1	2	3
Serial No.	Description of documents.	Remarks.

Arrangement of papers.

11. In the index and transcript the papers shall be placed in the following order :—

1. Plaint.
2. Written statements.
3. Examination of parties or their agents, etc.
4. Injunctions.
5. Orders of attachment, etc. (if any), obtained before judgment.
6. Issues framed (if any).

¹ Substituted by notification No. 63-J., dated the 6th September 1905. *Hyderabad Residency Orders*, 1905, Pt. I P. 149.

7. Exhibits of Plaintiff.
8. Exhibits of Defendant.
9. Report of Commissioner (if any) with maps, depositions, etc. annexed.
10. Judgment and decree
11. Memorandum of appeal
12. Cross appeal of memorandum or objections under section 561 (if any)
13. Proceedings in the Appellate Court (if any).
14. Judgment and decree of that Court.
15. Applications for review of judgment of the Appellate Court.
16. The orders passed on the above
17. Petition of appeal to Privy Council, affidavits, etc.
18. Appendix (if any).
19. List B of papers omitted under rule 6.

12. It shall be competent to either party to apply that the papers comprising the transcript record may be arranged in some other than chronological order.

If both parties and the Clerk of the Court agree to the order proposed, the papers shall be so arranged, and, if not, the question shall be referred to the Resident.

13. Either party may apply that an analytical index be prepared of the papers composing the transcript record in addition to the chronological index referred to in rule 10, and if the application be approved by the Resident, such index shall be prepared by the Clerk of the Court at the expense of the party applying for it.

14. The appeal and all connected papers must be printed on good quality white paper of size 11 by 8½ inches, with 1½ inch broad inside margin and 1½ inch broad outside margin, and, unless printed on paper of this size, the whole will by standing office order of the Privy Council be reprinted at the applicant's expense.

15. When the transcript record and index are complete, the whole shall be transmitted without delay to the Registrar of the Judicial Committee of the Privy Council; and intimation of the despatch shall be given to the appellant and respondent.

16. The periods prescribed in the rules quoted above for the several stages in the compilation of transcript record may for sufficient reasons be extended under orders of the Resident.

17. The Clerk of the Court may, under the orders of the Resident, depute any of the duties which devolve upon him under the rules to the Deputy Clerk of the Court or other officer of the Court of the Judicial Commissioner.

18. The following charges shall be payable in respect of the matter provided for in Privy Council Appeal Rules —

	Rs.	A.	P.
Estimate of costs	16	0	0
Preparation of lists of papers per 10 entries or part of 10 entries	1	0	0
Report on agreement or disagreement of parties as to omission for each entry	0	1	0
Translation of vernacular papers per 1,000 words	8	0	0
Revision of ditto ditto	4	0	0
Transcribing records per 1,000 words	1	2	0
Examining and certifying ditto	0	10	0
Chronological index per 10 entries or part thereof	3	0	0
Analytical index	Special charge.		

Note (a)—Translation includes the reading of the translated documents to the Examiner.

(b) The above charges are subject to alteration.

APPENDIX A

Form of notices referred to in Rule 1.

In the Court of the Resident at Hyderabad.

To _____
 } Plaintiff.

versus
 } Defendant.

Claim.

Notice under section _____ Act XIV of 1882.

Whereas _____
 in the above suit has filed an application in this Court for a certificate under section 598, Act XIV of 1882, it is hereby notified that cause may be shown on behalf of _____
 on the _____ day of _____ why a certificate of appeal should not be granted to the said _____
 under section 600 of the above Act.

Given under the seal of this Court, the _____ day of _____

Clerk of the Court.

Notice under section _____ Act XIV of 1882.

In the Court of the Resident at Hyderabad.

To _____

..... Applicant.
 Appellant.
 Opponent.
 Respondent.

Claim.

Whereas _____ appellant
 in the above suit, has given security and made deposit to the satisfaction of
 the Court, take notice therefore that the appeal of the said _____
 to His Majesty in Council has been admitted this _____ day of _____

Given under the seal of this Court the _____ day of _____

Clerk of the Court.

APPENDIX B.

Instructions given by Her Majesty in Council relating to the submission of
 appeals, printing the appeals in India or elsewhere, amount of security
 and other matters relating to the appeals.

[The Orders in Council cited, *viz.*, those dated the

*18th June 1853	*24th March 1871	6th March 1896
*18th July 1853	*26th June 1873	*20th March 1905
*31st March 1855		

are not reprinted. Those marked with * have since been revoked by the
 Judicial Committee Rules, 1908, published in the notification of the Govern-
 ment of India in the Home Department, No. 444, dated the 24th March 1910.
Gazette of India, 1910, Pt. I, p. 271.

[*Hyderabad Residency Orders*, 1905, Pt. I, p. 135.]

No. $\frac{206}{208}$ dated the 10th May 1899.—Not re-printed.

[*Hyderabad Residency Orders*, 1899, Pt. I, p. $\frac{165}{168}$.]

No. 74, dated the 24th December 1900.—Not re-printed.

[*Hyderabad Residency Orders*, 1901, Pt. I, p. 2.]

No. 39, dated the 9th June 1889.—The following rules on the subject of Inspection of judicial records. the inspection of Judicial records made by the Judicial Commissioner, Hyderabad Assigned Districts, under the provisions of ¹section 16 (1), clauses (c) and (e), of the Hyderabad Assigned Districts Courts Law for the guidance of Civil and Criminal Courts in the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Secunderabad, the Hyderabad Contingent stations of Amangabad, Bolarum, * * * and the Railway lands in the territories of His Highness the Nizam of Hyderabad (other than the Railway lands referred to in the ²notifications of the Government of India in the Foreign Department, No. 4564-I, dated the 18th November 1891, and No. 3244-I.B, dated the 26th August 1897), and sanctioned by the Resident under the provisions of section 16 (2) of the same Law, are hereby published for general information.

Rules regarding the inspection by the public under certain conditions of Judicial records and proceedings.

I. Records of decided cases shall be open to the inspection of the public subject to the general control of the head of the office.
Records of decided cases.

II. Records of pending cases shall be open to the inspection free of charge of the parties, or their pleaders or agents alone, subject to the general control of the presiding officer of the Court in which the case is pending.
Records of pending cases.

Inspection shall not be allowed on the day fixed for the hearing of the case without the special permission of the presiding Judge, and for such inspections the fees will be double the rates prescribed in rule VI.

III. The inspection of records shall be made at such time, in such place, and in the presence of such official as the head of the office in the case of records of decided cases and the presiding Judge in the case of records of pending cases may direct.
Time and place of inspection.

IV. Application for inspection of records shall be made in writing on plain paper, and shall distinctly specify the record inspection of which is desired.
Application for inspection.
The application shall be presented in Form I.

V. A register called the Inspection Register will be kept in Form II annexed at head-quarters by the Clerk of the Court—elsewhere by such officer as the
Forms of register.

¹ See now section 554 of the Code of Criminal Procedure, 1898 (Act V of 1898), and section 128 of the Code of Civil Procedure, 1908 (Act V of 1908), as applied, *supra* pp. 238 and 241.

² Superseded by No. 778-I.B., dated the 9th April 1913. Printed Vol. V, p. 35.

presiding Judge may direct—in which applications which have been granted will be entered.

VI. The following fees shall be paid for inspection, *viz* :—

Fees to be paid.

	<i>Rs.</i>	<i>a.</i>	<i>p.</i>
For the first hour or part of an hour	1	0	0
For each subsequent hour or part of an hour	0	8	0

VII. Inspection fees will be levied by means of adhesive Court-fee stamps to be affixed by the applicant in column 7 of the register prescribed by rule

Mode of payment of fees.

V before the search commences. Stamps are not to be punched till the plus and minus memorandum referred to in rule XIII is prepared, but the applicant after affixing the stamps in column 7 will write his name across the stamp in such a way that a part of his signature will be on the stamp and part on the page of the register. The Clerk of the Court will see that the stamp is duly affixed and cancelled. These fees will be prepaid, and will in no case be refunded.

VIII. A separate application shall be made and a separate fee paid for each record which it is desired to inspect, unless the records are so closely connected that, in the opinion of the head of the office or presiding Judge, they may be regarded as one, in which case one application and one fee will suffice.

IX. It will be the duty of the official supervising the examination of a record to see that no alterations are made in it or papers abstracted, and to return it, when search is over, in its original condition. He will permit none but the applicant himself, or the applicant accompanied by a pleader¹ [and if necessary an interpreter,] to search the record. He will not allow searchers to use pen and ink at all, or to take copies or detailed extracts or anything beyond pencil memoranda sufficient to enable identification of a paper if a copy should afterwards be applied for. The search must be completed and the record returned within office hours of the day on which the record was taken out for examination. If a person who has made an application for inspection, and to whom the records asked for have been handed over for inspection, fails to finish his inspection that day, he must, if he wishes to make further inspection, make a fresh application on some future day.

X. Fees realized under these rules shall be appropriated, as far as is necessary, to the entertainment of any establishment required for the purposes of inspection.

Appropriation of fees.

¹ Inserted by notification No. 20, dated the 22nd March 1905. *Hyderabad Residency Orders*, 1905, Part I, page 5.

XI. The head of the office may, with the sanction of the Judicial Commissioner, appoint any establishment necessary for the inspection of records, provided the cost does not exceed the income derived from inspection fees.

XII. No person shall be appointed an inspection clerk unless he has passed by the 9th standard of the Berar curriculum. Ordinarily the pay of this clerk should not exceed Rs. 15, and his appointment, dismissal, &c., will rest with the Deputy Commissioner in his own Court and in all Courts subordinate to him; in other Courts with the presiding officer.

XIII. The inspection clerk will keep an account book in Form III annexed. A plus and minus memorandum should be prepared therefrom monthly showing the balance of the fund at the beginning of the month, the amounts received and credited during the month, and those paid out during the month, and deducting the balance at the end of the month. It should be verified by the head of the office, and a copy thereof forwarded to the Comptroller with the pay bill of the inspection establishment. The latter should be drawn up in Treasury Form No. XI.

XIV. A quarterly account of income and expenditure shall be submitted in the prescribed form to the Judicial Commissioner by the head of the office with the quarterly civil statements.

FORM No. I.

Form of Application.

Date of application.	Name of applicant.	Record or register to be inspected or searched.	Time during which it is proposed to inspect or search.	Amount of fees which it is proposed to pay.	Order granting permission to inspect or ordinary search to be made.
1	2	3	4	5	6

FORM No. II.

Inspection Register.

No and date of order.	Name of applicant for inspection.	Record or register of which inspection is sought.	Hour at which inspection commenced.	Hour at which inspection ended.	Amount paid in Court-Fee stamps.	Court-fee labels to be affixed in this column.	Remarks.
1	2	3	4	5	6	7	8
					Rs. a.	Signature of applicant.	

FORM No. III.

*Account Book.*¹[*Hyderabad Residency Orders*, 1899, Pt. I, p. 197.]

Grant of, and fees
for, copies of judicial
records.

No. 98-J, dated the 11th October 1910.—Not re-printed.

[*Hyderabad Residency Orders*, 1910, Pt. I, p. 195.]

Courts in British
India empowered
to send summonses
under the Code of
Civil Procedure
and decrees to the
District Court and
the Court of Small
Causes in these
Administered Areas
for service and
execution.

No. 786-I.B., dated the 9th April 1913.—Printed in Appendix XII A.

Service by the said
Courts in these
Administered Areas
of summonses—

(a) of Civil or
Revenue Courts in
British India ;
(b) of other ² Courts
established or
continued by the
Governor-General in
Council ;
(c) of Civil or
Revenue Courts of
Hyderabad, Mysore,
Central India
States, States in
the political control
of the Bombay
Government and
Baroda.

² No. 1366-I., dated the 29th March 1889.² No. 1367-I., dated the 29th March 1889.

No. 1368-I., dated the 29th March 1889.

No. 2182-I., dated the 2nd July 1890.

No. 397-I.B., dated the 25th February 1910.

No. 47, dated the 29th June 1905⁴.—Printed *supra*, page 217.

} Printed in Appendix XII A.

¹ Form III was discontinued by notification No. 107-J., dated the 15th November 1910 (*Hyderabad Residency Orders*, 1910, Part I, p. 231), which further directs that in Form II the totals for each day should be entered in the column of Remarks and initialled by the Clerk of the Court, and that a continuous total should also be given from the 1st January to the 31st December.

² See also modification (5) in the Code of Civil Procedure, 1908, as applied by notification No. 582 I.B., dated the 22nd March 1913. *Supra* p 241

³ For a list of such Courts in other parts of India see notification Nos. 786—788-I.B., dated the 9th April 1913. Printed in Appendix XII A.

⁴ Rules (2), (4) and (10).

Execution by the
said Courts in the
Administered Area
of decrees—

²No. 1363-I., dated the 29th March 1889.

*No. 1364-I., dated the 29th March 1889.

†No. 4051-I.A., dated the 18th September 1902.

§No. 399-I.B., dated the 25th February 1910.

} Printed in Appendix XII A.

(a) of other Courts established or continued by the Governor-General in Council ;
(b) of certain Courts of *Mysore, †States in the political control of the Bombay Government and §Baroda.

No. 2605-I.B., dated the 15th June 1900.—Printed *supra*, page 219.

(c) of Civil Courts of the Hyderabad State.

No. 1367-I., dated the 29th March 1889.—Printed in Appendix XII A.

Service of summonses of the said Courts³ in the Administered Areas.

No. 398-I B., dated the 25th February 1910.

No. 2622-I.B., dated the 24th December 1912.

} Printed in Appendix XII C.

(a) By other Court established or continued by the Governor-General in Council ;

(b) By Civil Courts of the Baroda and Mysore States.

⁴No. 47, dated the 29th June 1905.—Printed *supra*, page 218.

(c) By Civil Courts of the Hyderabad State.

No. 1363-I., dated the 29th March 1889.—Printed in Appendix XII A.

Execution of decrees of Courts³ in the Administered Areas.

(a) By other Courts established or continued by the Governor-General in Council.

No. 2623-I.B., dated the 24th December 1912.—Printed in Appendix XII C.

(b) By Civil Courts of the Baroda and Mysore States.

¹ See footnote 3 on the previous page.

² See also modification (6) in the Code of Civil Procedure, 1908, as applied by notification No. 582-I B., dated the 22nd March 1913. *Supra* p. 242.

³ These Courts may send their summonses and decrees to Courts in British India for service and execution, *see* sections 29 and 43 of the Code of Civil Procedure, 1908 (Act V of 1908).—Printed General Acts, Vol. VI, Ed. 1909, p. 133.

⁴ Rules (3), (5) and (9).

(S) by Civil Courts
of the Hyderabad
State.

No. 2605-I.B., dated the 13th June 1900 —Printed *supra*, page 219.

Reciprocal Service
of summonses to
witnesses between
Criminal Courts
of the Hyderabad
State and in the
Administered Areas.

¹*No. 47, dated the 29th June 1905.*—Printed *supra*, page 222.

¹ Rules (5), (6), (7), (9) and (10).

VII.—Local Laws.

No 23, dated the 14th January 1886.—If within the Railway limits or Rest Camps any person knowingly barter, sells, or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor, wine, or intoxicating drug to or for the use of any European soldier, or to or for the use of any European or Eurasian being a camp follower or a soldier's wife without a written license from the Judicial Superintendent of Railways, Hyderabad, or Officer Commanding the Detachment, the person so bartering, selling or supplying or offering or attempting to barter, sell or supply such liquor, wine, or drug, shall be liable, on conviction, to fine which may extend to one hundred rupees or to imprisonment for a term which may extend to three months, or, in lieu of such fine or imprisonment, to the punishment of whipping as prescribed for offences under ¹ section 2 of Act No VI of 1864 (to authorise the punishment of whipping in certain cases) subject to all the provisions of that Act.

Proviso—Soldiers and their families travelling alone or in small parties not under the command of an officer will, on application at 2nd class Refreshment Rooms and provided the men are in uniform and sober, be supplied on payment with refreshments at the undermentioned rates. Only one pint of beer for each man or woman will be obtainable at a station :—

Great Indian Peninsula Railway.

A pint bottle of English beer 6 annas.

Madras Railway

A pint bottle of English beer 6 annas.

Nizam's Guaranteed State Railway.

A pint bottle of English beer 6 annas.

2 If any person convicted of an offence under Rule 1 is again convicted of an offence under that rule, any spirituous liquor, wine, or intoxicating drug within such limits which, at the time of the commission of such subsequent offence, belongs to him, or is in his possession, shall, without further proof, be deemed to be in his possession for the purpose of being supplied to European soldiers contrary to the provisions of these rules.

3. If any person is found committing any offence contrary to Rule 1, any

¹ The First Assistant Resident is now District Magistrate in the Railway Lands

² See now section 2 of Act IV of 1909 as applied by notification No 582-I B, dated the 22nd March 1913. Printed *supra* p. 227.

police officer may immediately without warrant arrest such person, and also seize any spirituous liquor, wine, or intoxicating drug which may be found within such limits in his possession, and shall thereupon without delay take such person, together with the things so seized, before the Judicial Superintendent of Railways.

4. In case of a conviction for any offence under Rule 1, the Judicial Superintendent of Railways may adjudge any liquor, wine or intoxicating drug in respect of which the accused is convicted, and any other spirituous liquor, wine or intoxicating drug found in his possession within such limits at the time of committing the offence, to be confiscated, and the Judicial Superintendent of Railways may order the whole or any part or parts of any fine imposed under these rules to be paid, as soon as the same is realized, to the person upon whose information such conviction takes place, or to the officer who has apprehended the offender or seized any spirituous liquor, wine or intoxicating drug, adjudged to be confiscated.

5. Anything seized under Rule 3 in respect of which any person is charged with an offence under these rules may be ordered to be detained until the person in whose possession the same has been seized is convicted or acquitted of the offence charged. If such person is acquitted, anything so seized shall be restored; if he is convicted, such of the things only, if any, as are not adjudged by the Judicial Superintendent of Railways to be confiscated, shall be restored; the remainder shall be dealt with as confiscated.

[*Hyderabad Residency Orders*, 1886, Pt. I, p. 25.]

Arms Rules for the
railway lands in the
Administered Areas.

No. 4080-1., dated the 3rd December, 1890.—Whereas His Highness the Nizam of Hyderabad has granted to the British Government full jurisdiction within the lands in his territory which are occupied, or may be hereafter occupied, by His Highness the Nizam's Guaranteed State Railways Company, by the Great Indian Peninsula Railway, and by the Madras Railway, respectively (including the lands occupied as stations, for out-buildings, and for other railway purposes): In exercise of this jurisdiction and of the powers conferred by¹ sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the following rules shall be enforced on the aforesaid Railways within the Hyderabad State:—

- | | |
|--|--|
| 1. ² [“Cannon,” “arms,” “ammunition” and “military stores” have | respectively the meanings assigned to them |
| Definition. | in the Indian Arms Act, 1878 (XI of |

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

² Substituted by notification No. 2136-I B., dated the 5th August 1893. *Gazette of India*, 1898 Pt. I, p. 879

the Superintendent of Railway Police, but not otherwise, forward the consignment, should the owner or consignee desire him to do so, to any other station in the Hyderabad State

6. No license shall be necessary in respect of arms and ammunition tendered for despatch from one station to another within the Hyderabad State, but immediate information regarding such consignment shall be given to the senior police-officer at the stations of despatch and receipt by the Station Masters concerned.

7. Arms shall not in ordinary cases be taken from passengers; but if a Station Master has reasonable ground for apprehending a disturbance from the possession of arms by a passenger, he may refuse to carry the passenger, unless he delivers up his arms. If the passenger gives up his arms, they shall be labelled with the name and description of the owner, entered in the road-way bill, and delivered free of charge to the owner at his journey's end: *Provided* that no native gentlemen, or other person who has a license to carry arms granted by competent authority, shall, except in the case of evident and undoubted necessity, be asked to give up his personal arms under this rule.

8. Every person employed upon the Railway shall, in the absence of reasonable excuse, the burden of proving which shall be upon him, be bound to give information to the nearest police-officer regarding any box, packet, or bale in transit which he has reason to believe contain arms, ammunition, or military stores in respect of which an offence against these rules has been, or is being, committed.

Penalties

3 (i) Whoever commits any of the following offences (namely) :—

- (a) exports any arms, ammunition, or military stores without obtaining the special permission of the Resident at Hyderabad,
- (b) imports any arms, ammunition, or military stores without obtaining a license,

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

(ii) Whoever commits any of the following acts in respect of arms, ammunition or military stores (namely) :—

- (a) imports quantities in excess of the quantities entered in his license,
- (b) causes the articles imported to be brought to a station other than that mentioned in the license,

(c) imports after the expiration of the period for which the license has been granted,

(d) omits to give information as required by Rule 8, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both

10. (1) When a Magistrate convicts any person under the last preceding rule he may direct that the arms, ammunition, or military stores in respect of which

Confiscation of arms, etc
the conviction is obtained, or if the conviction is for importing arms, ammunition, or military stores in excess of the quantities entered in a license, that such excess shall be confiscated

(2) A Magistrate shall have the same power with respect to arms, ammunition, and military stores, regarding which there is reasonable ground to believe that they have been imported contrary to these rules but in respect of which no conviction has been obtained because the owner or consignee cannot be found. In such cases, notice calling upon the owner to appear shall be published for three months at the railway station to which the arms, ammunition, or military stores have been brought, and at such other places as the Magistrate thinks necessary.

11. When a Magistrate confiscates any arms, ammunition or military stores, he may also confiscate any boxes, bales, or the like in which they may have been placed, together with their contents.

12. The orders of the Resident shall be taken regarding the disposal of articles confiscated under these rules, and such orders shall be final

13. (1) A Magistrate may award up to one-half the amount of any fine inflicted under these rules, and up to one-half the sale price of any confiscated articles sold under these rules, to any person, whether in the employ of a Railway Company or not, who has given information leading to a conviction.

(2) Cases in which no fine is inflicted, or in which it appears desirable to give a reward larger than is provided for above, shall be submitted for the orders of the Resident.

14 These rules supersede the rules made by the Resident at Hyderabad, with the concurrence of His Highness the Nizam's Government, on the 21st May 1883.

[*Gazette of India*, 1890, Pt. I, p. 863]

No. 2651-I, dated the 25th June 1891.—Printed in Appendix XV.

No. 1431-I, dated the 27th April 1893.—Printed in Appendix XIII.

Publication of newspapers and other printed works in the Administered Areas.

Provision for execution in British India of capital sentences passed in Administered Areas.

Hyderabad Residency
Bazars Regulation,
1895.

No. 3001-I, dated the 10th September 1895—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879),¹ and of all other powers enabling him in this behalf, the Governor General in Council is pleased to declare that the following Regulation shall come into force in the Hyderabad Residency Bazars from the date of this notification :—

CHAPTER I.—PRELIMINARY.

1. (i) This Regulation may be called “a Regulation for the better Short title, local extent, and com- administration of the Hyderabad Residency Bazars, 1895.”
mencement.

(ii) It extends to the whole of the Hyderabad Residency Bazars as defined from time to time by notification in the *Residency Orders*.

(iii) It shall come into force on such day as the Governor General in Council by notification in the *Gazette of India* appoints in that behalf.

(iv) On and with effect from that day, the Local Fund Rules for the Residency Bazars, Hyderabad, 1884, sanctioned under the notification by the Government of India in the Foreign Department, No. 250-I, dated the 18th January 1893, shall be cancelled

But all orders, declarations, rules, and regulations made, directions, licenses, and permits given, taxes imposed, and notifications published under any of the said rules shall be deemed to have been respectively made, given, imposed, and published under this Regulation.

2 In this Regulation, unless there is anything repugnant in the subject Definitions or context,—

(i) “Committee” means the Committee constituted under the Regulation :

(ii) “Resident” means the Resident at Hyderabad

(iii) “inhabitant” includes any person ordinarily residing or carrying on business or owning or occupying immovable property in the area to which this Regulation extends.

(iv) “street” includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway :

(v) “owner” includes the person for the time being receiving the rent of any land or building, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose or who would so receive the same if the land or building were let to a tenant.

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

- (vi) "notification" means a notification published by authority of the Resident in the *Residency Orders*;
- (vii) "notified" means published as aforesaid.
- (viii) "prescribed" means prescribed by rules made by the Resident under this Regulation: and
- (ix) ¹ ["Superintendent" means the officer appointed by the Resident for the time being to hold charge of the Residency Bazaars.]

CHAPTER II.—ORGANIZATION AND CONSTITUTION OF THE COMMITTEE.

3. There shall be established a Committee consisting of—

- (a) the Superintendent;
- (b) such persons, not less than six as the Resident may appoint in that behalf.

4. (i) The term of office of a member of the Committee shall be fixed by, the Resident, by rule made under this Regulation, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(ii) An outgoing member shall, if otherwise qualified, be again eligible for appointment.

5. Any member may resign by notifying in writing his desire to do so to the Superintendent, and, on his resignation being accepted by the Resident, he shall be deemed to have vacated his office.

Powers of Resident to remove appointed members.

6. The Resident may remove any appointed member of a Committee—

- (a) if he refuses to act, or becomes in the opinion of the Resident incapable of acting, or is declared insolvent, or is convicted of any such offence or subjected by a Criminal Court to any such order as implies, in the opinion of the Resident, a defect of character which unfits him to be a member;
- (b) if he has been declared by notification to be disqualified for employment in the public service;
- (c) if he, without an excuse sufficient in the opinion of the Resident, neglects for more than three consecutive months to be present at the meetings of the Committee;
- (d) if his continuance in office is, in the opinion of the Resident, dangerous to the public peace or order.

¹ Substituted by notification No. 989-I B, dated the 2nd May 1912 *Gazette of India*, 1912 Pt. I p. 525.

- (e) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Resident, unnecessary or undesirable.

Time of Committee coming into existence.

7 The Committee shall come into existence at such time as the Resident may, by notification, appoint in that behalf.

Consequences of establishment of the Committee.

8 When the Committee comes into existence under section 7, the following consequences shall ensue, namely :—

- (a) the Committee constituted under the Local Fund Rules, 1884, shall cease to exist ;
- (b) and all property vested in it shall, for the purposes of this Regulation and subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting that property, form part of the Residency Bazars Fund hereinafter described,
- (c) an officer employed by the Committee mentioned in clause (a) at the time when the Committee established under this Regulation comes into existence shall be deemed to be similarly employed by the latter Committee, and
- (d) the Committee established under this Regulation shall be substituted for the abolished Committee in all legal proceedings by or against the latter pending at the time when it ceased to exist.

Chairman and Vice-Chairman.

The duties of the Superintendent

9. (i) The Superintendent shall be *ex-officio* Chairman of the Committee.

(ii) The Superintendent shall be responsible for the proper maintenance of the accounts : he shall prepare the annual budget and such supplementary budgets as may from time to time be necessary, and the annual administration report, and lay the same before the Committee :

Provided that the Superintendent shall not incur any expenditure not provided for in the budget without the sanction of the Resident

10. (i) The Committee shall, from time to time, elect one of its members to be its Vice-Chairman

Election of Vice-Chairman.

(ii) The term of office of a Vice-Chairman shall be one year :

Provided that, if at the time of his election as Vice-Chairman, the residue of his term of office as member of the Committee is less than one year, his term of office as Vice-Chairman shall be the residue of his term as member.

(iii) An outgoing Vice-Chairman shall, if otherwise qualified, be again eligible for election as Vice-Chairman.

(iv) The Vice-Chairman may resign by notifying in writing his intention to do so to the Superintendent, and, on his resignation being accepted by the Resident, he shall be deemed to have vacated his office.

Conduct of Business.

11. (i) The Committee shall meet for the transaction of business at least once in every month on such day as may, from time to time, be fixed by the rules made under section 101.

(ii) The Chairman may, whenever he thinks fit, convene a meeting at any other time.

12 (i) The quorum necessary for the transaction of business at a meeting of the Committee shall be one-third of the whole Committee.

13 (i) At every meeting of the Committee the Chairman, if present, shall preside.

(ii) In the absence of the Chairman the Vice-Chairman shall preside.

(iii) If both Chairman and Vice-Chairman are absent, the senior member present shall preside.

14. (i) Except as otherwise provided by this Regulation, or by any rule made by the Resident under this Regulation, all questions which may come before any meeting of the Committee shall be decided by the majority of the vote of the members present.

(ii) In case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

15. The following are the powers and duties of the Committee—

- (a) to submit through the Superintendent for the Resident's approval or orders the budget and supplementary budgets prepared by the Superintendent with such remarks as may appear to it advisable ;
- (b) to consider the annual administration report prepared by the Superintendent, and to submit it through that officer to the Resident with such remarks as may appear to it advisable ;
- (c) to express an opinion on all matters laid before it by the Superintendent ;
- (d) to call the attention of the Superintendent to any neglect of the provisions of this Regulation, to any waste of property under

its management, and to the wants of any locality, and to suggest any improvement that may seem desirable.

16. The Resident Surgeon and the Assistant Secretary to the Resident in the Public Works Department, when not members, shall be entitled to attend any meeting of the Committee, and to address the Committee on any matter affecting respectively sanitation and public works.

17. (i) Every resolution passed by the Committee at a meeting shall be recorded in a book kept for the purpose and shall be signed by the Chairman.

(ii) A copy of every resolution passed by the Committee at a meeting shall, within ten days from the date of meeting, be forwarded to the First Assistant Resident, for the information of the Resident.

Officers and Servants.

18. Subject to the other provisions of this Regulation and to the general control of the Resident, the appointment of such officers and servants as may be necessary or proper for the efficient execution of the provisions of this Regulation shall rest with the Superintendent.

19. In the case of an officer or servant appointed under the preceding section or employed under section 8 (c), the Superintendent may—

(i) grant him—

(a) leave allowances ;

(b) if he is not entitled to pension, or if his monthly pay does not exceed ten rupees, a gratuity on resignation or retirement ; and

(ii) if empowered in this behalf by the Resident—

(a) subscribe on his behalf for pension or gratuity under the rule contained in the Civil Service Regulations for the time being in force ; or

(b) purchase for him from the Government or otherwise an annuity on his retirement :

Provided that no pension, gratuity, leave allowance or annuity shall exceed the sum to which, under the Civil Service Regulations for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

Contracts.

20. (i) The Superintendent may, on behalf of the Committee, enter into any contract whereof the value or amount does not exceed two hundred rupees.

Authority to contract

(ii) A contract whereof the value or amount exceeds two hundred rupees shall not be executed until it has been sanctioned by the Committee at a meeting.

21. (i) Every contract made by or on behalf of the Committee whereof the value or amount exceeds fifty rupees, shall be in writing.

Mode of executing contracts

(ii) Every such contract shall be signed by the Superintendent

(iii) If a contract to which this section applies is executed otherwise than in conformity therewith, it shall not be binding on the Committee

CHAPTER III — TAXATION.

22. (i) Subject to any general rules or special orders which the Governor General in Council may make in this behalf the Resident may, from time to time, for the purpose of this Regulation and in the manner by this Regulation directed, impose in the area to which this Regulation extends any of the following taxes, namely:—

Taxes which may be imposed

- (a) a tax on buildings and lands not exceeding seven-and-half per centum on the annual value ;
- (b) a tax on persons practising any profession or art or carrying on any trade or calling in the Residency Bazars not exceeding two-and-a-half per centum on the annual income derived from such practice ;
- (c) a tax not exceeding Rs. 4 a quarter on every vehicle, animal used for riding, driving, draught or burden, or dog kept within the Residency Bazars ;
- (d) a toll not exceeding one anna on every vehicle and animal used as aforesaid entering the Residency Bazars ;
- (e) an octroi on animals for slaughter, or goods, or both, brought within the Residency Bazars for consumption or used therein, such octroi not exceeding one anna on each animal and not exceeding Rs. 4 a maund or 4 per centum *ad valorem* on any such goods as aforesaid ;

and, with the previous sanction of the Governor General in Council, any other taxes :

Provided that any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under clause (d) of this subsection by paying the tax which would have been leviable in respect thereof under clause (c) if the same had been kept within the area to which the Regulation extends

(11) In this section "annual value" means the gross annual rent for which buildings or lands liable to taxation may reasonably be expected to let

3. When the Committee has, with regard to any buildings or lands, in exercise of the powers conferred by this Regulation, provided for the performance by its agents of the duties usually performed by sweepers, it may, with the previous sanction of the Resident and in the manner by this Regulation directed, impose upon those buildings, and lands, in addition to any other tax imposed upon them under this Regulation, a tax, to be called the scavenging-tax, at such rate or of such amount as it thinks fit

Provided that in fixing the rate or amount of such tax regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

24. Besides the taxes mentioned in the foregoing sections, the Committee, with the previous sanction of the Resident, may, for the purpose of constructing or maintaining works for the supply of water or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Regulation directed, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works

Provided that, in fixing the rate of such tax, regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts should not exceed the amount required for the said purpose.

25. No tax shall come into force until one month after it has been notified. The Resident may, by notification, abolish or reduce in amount any tax imposed under the foregoing sections.

Notification of and powers to abolish and reduce taxes.

26. (i) The Committee may by resolution exempt in whole or in part from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same.

Power to exempt from taxation

(ii) The Governor General in Council may, by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

27. No tax imposed under this Regulation shall be invalid merely for defect of form ; and it shall be enough in the case of any such tax on property or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known ; and it shall not be necessary to name the owner or occupier thereof

28. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the Resident may, from time to time, prescribe.

29. For all sums paid on account of any tax under this Regulation, a receipt stating the amount and the tax on account of which it is paid, shall be given on his application, to the person making the payment.

30. (i) An appeal against the assessment or levy of any tax under this Regulation shall lie to the First Assistant to the Resident

(ii) The order of the appellate authority shall be final.

31. (i) No appeal shall lie in respect of a tax on any building or land, unless it is preferred within one month after the publication of the notice of assessment to be prescribed under section 101, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made :

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the appellate authority that he had sufficient cause for not presenting it sooner.

(ii) No appeal shall be entertained unless the amount of the tax to which it relates is deposited with the Committee before the appeal is preferred.

32. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Regulation provided

33. Every person bringing or receiving within the Residency Bazaars any article on which octroi is payable, shall, when required by an officer authorised by the Superintendent in that behalf and so far as may be necessary for ascertaining the amount of tax chargeable,—

(a) permit that officer to inspect, examine, weigh or otherwise deal with the article, and

- (5) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature that he may possess relating to the article.

34. If after the imposition of an octroi tax any person bringing or receiving a conveyance or package within the Residency Bazars refuses, on the demand of an officer authorized by the Superintendent in this behalf, to permit such officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, such officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence.

35. Every officer demanding octroi by authority of the Superintendent shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

36. (i) In case of non-payment of octroi on demand, the officer empowered to collect the same may seize any article on which it is chargeable, or any part thereof of sufficient value to satisfy the demand.

(ii) The Superintendent may, after the lapse of five days from the seizure and the issue of a proclamation fixing the time and date of sale, cause property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid.

Provided that articles of a perishable nature may be sold after the lapse of such shorter time as the Superintendent, having regard to the nature of the articles, may think necessary in order to avoid serious risk or damage.

CHAPTER IV.—RESIDENCY BAZARS FUND AND PROPERTY.

37. (i) There shall be formed a Residency Bazars Fund, and there shall be placed to the credit thereof—

- (a) all sums received by or on behalf of the Committee under this Regulation or otherwise;
 - (b) all fines realised in cases in which prosecutions are instituted under this Regulation or the rules made hereunder, or under section 34 of Act V of 1861 for offences committed within the Residency Bazars;
 - (c) the property described in section 8 (b) of this Regulation;
- and this fund, together with all property purchased at its expense, and all

property of the nature hereinafter in this section specified and situated within the Residency Bazars, shall be vested in, and belong to the Resident; and subject to the provisions of this Regulation and of the rules framed thereunder and to the control of the Resident, the management thereof shall be entrusted to the Committee.

(ii) The property referred to in clause (c) of sub-section (i) includes—

- (a) all public streets and bridges and the pavements, stones and other materials thereof;
- (b) all land or property acquired by Government or by the Resident or Committee for local public purposes, and all open spaces, not being private property, adjacent to any street or appertaining to any public place or building or which now are managed by or under the control of the Committee;
- (c) all public sewers, drains, culverts and water-courses alongside or under any public street, and all works, materials and things appertaining thereto; and
- (d) all dust, dirt, sewage, refuse, filth and rubbish of any kind, collected by the Committee from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in any place set apart by them for that purpose.

38. (i) The Superintendent shall, subject to the provisions of the Regulation, set apart and apply annually out of the Residency Bazars Fund—

Application of fund.

- (a) *first*, such sum as may be required for the payment of any amount, falling due on any loan legally contracted for, or on behalf of, the Committee;
- (b) *secondly*, such sum as may be required to meet the charges of the Committee's establishment, including such subscriptions, contributions and payments as are referred to in section 19, and such sum as may be required for the maintenance of a police establishment under Chapter V of this Regulation.

(ii) Subject to the charges specified in sub-section (i) and to such rules as the Resident may make with respect to the priority to be given to the several duties of the Committee, the Residency Bazars Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the Residency Bazars, namely:—

- (a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, drains, latrines, and water-courses;
- (b) the watering and lighting of such streets or any of them;

- (c) the construction, establishment and maintenance of rest-houses, markets, pounds and other works of public utility ;
- (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums and other educational or charitable institutions ;
- (e) the supply, storage and preservation from pollution of water for the use of men or animals ;
- (f) the planting and preservation of trees ;
- (g) the taking of a census, the registration of births, marriages and deaths, public vaccination, and any other sanitary measure ,
- (h) the destruction of stray and ownerless dogs ;
- (i) all acts and things which are likely to promote the safety, health welfare or convenience of the inhabitants, or expenditure whereon may be declared by the Committee, with the sanction of the Resident, to be an appropriate charge on the Residency Bazars Fund

39. The Residency Bazars Fund may be deposited with the Bank of Bengal or with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Resident may in each case think sufficient.

40. (i) The Committee may, from time to time, with the previous sanction of the Resident, invest any portion of the Residency Bazars Fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of a like nature

(ii) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the Residency Bazars Fund.

CHAPTER V.—RESIDENCY BAZARS POLICE.

41. There shall be maintained out of the Residency Bazars Fund a police establishment for watch and ward and the prevention and suppression of crime within the Residency Bazars, and for the enforcement of this Regulation and of the rules and orders thereunder. This establishment shall be a part of the general police force under the Resident within the meaning of section 2 of Act V of 1861, and shall consist of such number of officers and men, and the officers and men shall receive such pay, leave allowances, gratuities and pensions, as the Resident may direct.

42. When special police protection is, in the opinion of the Resident, requisite as on the occasion of any fair, show, exhibition, religious ceremony or festival, the Resident may provide such protection, and shall debit against the Residency Bazaars Fund so much of the cost thereof as he may think equitable.

CHAPTER VI.—POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

43. When any land is required for a new street or for the improvement of an existing street, the Committee may cause to be acquired, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

Power to acquire land for building sites adjoining new streets.

44. The Superintendent, with the concurrence of the Committee, may close temporarily any streets or parts thereof for any public purpose, and with the Resident's permission may divert, discontinue or permanently close any street.

Power to close streets.

45. The Superintendent may grant permission in writing for the temporary occupation of any street for the deposit of materials, temporary excavation or erection subject to such conditions and the payment of such fees as the Resident may prescribe, and may at his discretion withdraw such permission.

Power to permit temporary occupation of street, etc.

46. The Superintendent may attach to the outside of any building brackets for lamps in such manner as not to cause injury thereto or inconvenience.

Power to attach brackets for lamps.

47. The Committee at a meeting may name any street, and the Superintendent may cause that name and likewise any number to be affixed on any building, and may from time to time cause the same to be altered.

Names of streets and numbers of buildings

Whoever destroys, pulls down, alters or defaces any such name or number shall, on conviction by a Magistrate, be punished with a fine that may extend to twenty rupees.

48. Every person intending to erect, re-erect, alter or repair any upper storey or other building shall give notice of his intention to the Superintendent, and shall, if required to do so, submit a plan showing the levels at which the foundations and lowest floor are proposed to be laid and specifications of the

works intended to be constructed and the materials to be used, and shall obey any written directions consistent with this Regulation given by the Superintendent thereupon, and the Superintendent, with the concurrence of the Committee, may prohibit such erection, re-erection, alteration or repair, if in his opinion it is likely to be injurious to the neighbourhood or in respect of free passage or roadway, free circulation of air, facilities of scavenging, ventilations, drainage level, stability, line of frontage or any other matter which the Resident may from time to time prescribe.

Provided that no compensation shall be claimable on account of any direction or prohibition under this section

If the erection, re-erection, alteration or repair of any building is begun without the permission of the Superintendent, or in disobedience to any direction issued by the Superintendent, under this section, or continued contrary to those directions, the Superintendent may, by notice, require such building to be altered or demolished, and the person so erecting, re-erecting, altering or repairing shall, on conviction by a Magistrate, be liable to a fine not exceeding five hundred rupees.

49. The Superintendent, with the concurrence of the Committee, may by notice in writing, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof, if the same overhangs or projects into or encroaches on any street, public drain, aqueduct or sewer.

50. The Committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or the washing of animals or clothes, in any public place not so set apart or at times by persons other than those specified, and all other acts by which water in public places may be rendered foul or unfit for use

Deposit of Offensive Matter and Slaughter-places.

51. The Committee may fix places within, or, with the approval of the Resident, beyond, the limits of the Residency Bazaars for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions to the time, manner and conditions at, in and under which such refuse

filthy or offensive matter or the dead bodies of animals may be removed along any street and deposited at such places.

52. (1) The Committee may fix and abolish places either within, or, with the approval of the Resident, beyond, the limits of the Residency Bazars for the slaughter of animals or any specified description of animals for sale, and may, with the like approval, grant and withdraw licenses for the use of such places, or, if they belong to the Committee, charge rent or fees for the use of the same

(ii) When any such place has been fixed, no person shall slaughter any such animal for sale within the Residency Bazars at any other place.

(iii) Whoever slaughters any such animal at any other place for sale within the Residency Bazars shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

Burial and Burning-places.

53 (i) The Committee may by public notice order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed from a date to be specified in the notice

(ii) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the Committee may impose in this behalf.

(iii) No burial or burning-ground, whether public or private, shall be made or formed after the passing of this Regulation without the permission in writing of the Resident.

(iv) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning-ground made or formed contrary to the provisions of this section, or after the dates fixed thereunder for closing the same, he shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

(v) The Resident may by notification prescribe routes for the removal of corpses to burial or burning-places.

Inflammable Materials.

54. The Superintendent may, where it appears to him to be necessary for the prevention of danger to life or property, by public notice prohibit all persons

Inflammable materials.

or stacking or collecting dry grass, straw or other inflammable materials, or placing mats, or erecting booths or thatched huts, or lighting fires in any place or within any limits specified in the notice.

Powers of Entry and Inspection.

55. (i) The Superintendent, or any person authorised by him in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drain, privy or cess-pool is situated, inspect any such drain, privy or cess-pool at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened wherever he may think fit for the purpose of preventing or removing any nuisance arising therefrom

(ii) If on such inspection it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner of the land or building or by the occupier, as the Superintendent may direct; but if it is found that no nuisance exists, or but for such opening would have existed, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be paid from the Residency Bazar Fund.

56. The Superintendent, or any person authorized by him in this behalf may, after giving twenty-four hours' notice in writing to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

57. The Superintendent, or any person authorized by him in this behalf may, after giving twenty-four hours' notice in writing to the occupier, or if there is no occupier, to the owner, of any building or land at any time between sunrise and sunset :—

- (a) enter on and survey and take levels of any land;
- (b) enter, inspect and measure any building for the purpose of valuation; or
- (c) enter into any building or any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work authorised by this Regulation.

58. The Superintendent, or any person authorized by him in this behalf may at any time between sunrise and sunset enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Regulation, for which a license has not been duly taken out.

59. The Superintendent, or any person authorized by him in writing in this behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for human consumption, or as a slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein, and if any article of food or drink, or any animal therein appears to be intended for human consumption and to be unfit therefor, may seize and remove the same or may cause it to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such consumption,

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof and for his orders as to its disposal.

60. (i) The Committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands or of any drains, privies, cess-pools or other receptacles for offensive matter pertaining to buildings or land.

(ii) Such provision may be made in respect of individual buildings or lands or of buildings or lands generally.

(iii) Nothing in this section or section 23 shall be deemed to preclude the Committee from making provision of a different nature for different buildings or lands, and charging scavenging-tax at different rates therefor, or from exempting wholly or in part from such tax at its discretion any individual who has made arrangements to its satisfaction for the performance of the duties aforesaid

(iv) When the Committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties; and the Superintendent, or any person authorized by him in this behalf, may enter on

the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

61. When any building used as a human dwelling is entered under this Regulation, due regard shall be paid to the social and religious sentiments of the occupiers, and before any apartment in the actual occupation of any woman who, according to custom, does not appear in public, is entered under this Regulation, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Precautions to be observed in entering dwelling.

Water-pipes, Privies and Drains.

62. The Superintendent may, by notice in writing, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same, so as not to inconvenience persons passing along the street.

Troughs and pipes for rain water

63 (i) The Superintendent may, by notice in writing, require the owner of any building to provide any privy or cess-pool, or additional privies or cess-pools which should in his opinion be provided for the building, in such manner as to satisfy the general requirements of the Committee

Provision of privies, etc.

(ii) The Superintendent may, by notice in writing, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the Committee directs, any door or trap-door of a privy opening on to any street or drain.

(iii) The Committee may, by notice in writing, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

64 (i) The Superintendent may, by notice in writing, require the owner or occupier of any building or land to repair or alter and put in good order any drain privy or cess-pool or to close any cess-pool belonging thereto.

Repairing and closing of any drains, privies, and cess-pools.

(ii) The Superintendent may by notice in writing, require any person who constructs any new drain, privy or cess-pool without his permission in writing or contrary to his directions or rules or to the provisions of this Regulation, or who constructs, rebuilds or opens any drain, privy or cess-

pool which has been ordered to be demolished or closed or not to be made, to demolish such drain, privy or cess-pool or to make such alteration therein as he thinks fit.

65. The Superintendent may, by notice in writing, require any person who without his permission in writing newly erects or rebuilds any building over any public sewer, drain, culvert, water-course or water-pipe to pull down or otherwise deal with the same as he thinks fit.

66 The Superintendent may, by notice in writing, require any owner or occupier on whose land any drain, latrine, urinal, cess-pool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, reservoir or other water source, to remove or close the same within one week

67. The Superintendent may, by notice in writing, require the owner or occupier of any land or building to cleanse repair, cover, fill up or drain off any private land, well, reservoir, pool or excavation therein which appears to him to be injurious to health or offensive to the neighbourhood

Dangerous Buildings and Places.

68 If any buildings, or any well, tank or other excavation is for want of sufficient repair, protection or enclosure dangerous to persons passing by or dwelling or working in the neighbourhood, the Superintendent may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the same ; and if it appears to him to be necessary in order to prevent imminent danger, he shall forthwith take such steps as are necessary to avert the danger.

69. If any building, wall, or structure, or anything affixed thereto, is deemed by the Superintendent to be in a ruinous state or in any way dangerous, he may, with the concurrence of the Committee, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to it as the Committee considers necessary for the public safety , and if it appears to him to be necessary in order to prevent imminent danger, the Superintendent may forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in Unsanitary Condition.

70. The Superintendent may, by notice in writing, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appear to be injurious to health or offensive to the neighbourhood.

Power to require owner to clear any noxious vegetation

71. The Superintendent may, by notice in writing, require the owner or occupier of any land within three days to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger therein, or which so overhang any well, than or other water-source as to be likely to pollute the water thereof.

Power to trim hedges and trees bordering on streets.

72. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the Superintendent may, by notice in writing require him within twenty-four hours to cleanse the same or otherwise put it in a proper state

Power to have building or land cleansed.

73. If any building appears to the Superintendent to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or for any other sufficient reason, the Superintendent may, by notice in writing, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be used until he is satisfied that it has been rendered fit for such use.

Powers in respect of building unfit for habitation.

74. The Superintendent may, by notice in writing require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time to be fixed in the notice.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

75. (i) The Superintendent, with the concurrence of the Committee, may, on the report of the Residency Surgeon that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of the Residency Bazar is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure, or the irrigation so reported to be injurious,

Cultivation, use of manure or irrigation injurious to health, after prohibition.

or regulate such cultivation, use or irrigation, by imposing such conditions thereon as may prevent injury :

Provided that when on any land to which such notification applies the act prohibited has been practised during the five years next preceding the notification in the ordinary course of husbandry, compensation shall be paid from the Residency Bazars Fund to all persons interested therein for any damage caused to them by the effect of such notification.

(ii) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section (i), he shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the date of such conviction during which the offence is proved before a Magistrate to have been persisted in.

Registration of Trades

Regulation of offensive and dangerous trades. 76. (i) The owner or occupier of every place within the Residency Bazars used for any of the following purposes, namely :

- melting tallow ; or boiling bones, offal or blood ; or
- as a soap house, oil-boiling house, dyeing house or tannery ;
- as a brick-kiln, pottery or lime-kiln ; or
- any other manufactory or place of business from which offensive or unwholesome smells arise ; or
- as a yard or depot for trade in hay, straw, thatching grass, wood, coal or other highly inflammable material ; or
- as a store-house for kerosine, petroleum, naphtha or any inflammable oils, spirit or explosive substance ;

shall register the same in a book to be kept by the Superintendent for the purpose.

(ii) No place shall be newly used for any of the said purposes except under a license from the Superintendent, which shall be renewable annually.

(iii) The license shall not be withheld unless the Superintendent considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in or frequenting the immediate neighbourhood.

(iv) The Superintendent may charge such fees for such licenses and may impose such conditions in respect thereof as the Resident may approve.

(v) Whoever without such registration or without a license uses any place for any such purpose shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day during which the offence is proved before

a Magistrate to have been persisted in after he has been convicted thereof; and the Superintendent may, after conviction, by notice in writing, direct that the use of such place for such purpose shall be discontinued

The Superintendent, or any person specially authorized by him in writing in this behalf, may at any time enter and inspect any place or building which there is reason to believe is used without license for any of the purposes enumerated in this section.

77. If it is shown to the satisfaction of the Committee at a meeting that
Power to prohibit such trades any place licensed under section 76 is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice in writing, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will in the opinion of the Committee render it no longer a nuisance or dangerous.

(ii) Whoever after such notice has been given uses the place or permits it to be used in disregard of such requisition shall on conviction be punished with fine which may extend to two hundred rupees and with further fine which may extend to forty rupees for every subsequent day during which the offence is proved before a Magistrate to have been persisted in

78. Every book or paper printed within the Residency Bazars shall have
Particulars to be printed on books and papers. printed legibly on it the name of the printer and the place of printing, and (if the book or paper be published) of the publisher and the place of publication.

1 79. No person shall, within the Residency Bazars, keep in his possession
Keeper of printing press to make declaration. any press for the printing of books or papers who shall not have made and subscribed the following declaration before the Superintendent:

“I, A B, declare that I have a press for printing at
 and this last blank shall be filled up with a true and precise description of the place where such press may be situate.”

80. (i) When any notice under this chapter requires any act to be done
Execution of acts required to be done by any notice. for which no time is fixed by this Regulation, it shall fix a reasonable time for doing the same.

(ii) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the Superintendent may, after six hours' notice

¹ Cf. para. 1 of notification No, 2651-I., dated the 25th June 1891. Printed in Appendix XV.

in writing, cause that act to be done, and may recover the expenses incurred in so doing from the person in default.

81. The Committee may make compensation out of the Residency Bazar Fund; to any person sustaining any damage by reason of the exercise of any of the powers vested in the Committee, its officers and servants under this Regulation, and shall make such compensation where the person sustaining the damage was not himself in default in respect of the matter in respect of which the power was exercised: where the compensation is claimable on account of injury to buildings or land, it shall be calculated with due regard to the provisions of the Land Acquisition Act for the time being in force in British India.

CHAPTER VII—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

82. Whoever, without the permission of the Superintendent or in disregard of his orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind upon any street or public place, or into any public sewer or any drain communicating therewith, shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

83. Whoever, without the permission of the Superintendent, causes or allows the water of any sink, sewer or cess-pool or any other offensive matter, to pass or be put upon any street or public place, or into any sewer or drain not set apart for the purpose, shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

84. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, nightsoil or filth, or any noxious or offensive matter, in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

85. Whoever without the permission of the Superintendent, makes or causes to be made, or alters or causes to be altered, any drain leading into any public sewer or drain under the management of the Committee, shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees

Making or altering drains without authority.

86. Whoever, makes without the permission of the Superintendent, keeps for a longer time than one week after notice to remove issued under section 66, any drain, latrine, urinal, cess-pool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other water-source, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees, and, when a notice has been issued with a further fine which may extend to five rupees for each day during which the offence is proved before a Magistrate to have been persisted in after the lapse of the period allowed for removal.

Penalty for making or keeping latrines, etc., near any source of water supply.

87. Whoever keeps any swine in disregard of any orders which the Superintendent may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the date of the conviction during which the offence is proved before a Magistrate to have been persisted in.

Keeping animals so as to be injurious to health.

88. Whoever drives any vehicle after dark in any public street or thoroughfare, unless the vehicle is properly supplied with lights, or there is sufficient moonlight to render lights unnecessary, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees

Driving vehicles without proper lights.

89. Whoever discharges fire-arms or air-guns or lets off fire-works or fire-balloons, or engages in any game in such a manner as to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of injury to property, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

Discharging fire-arms, fire-works, etc.

90. Whoever, without the permission of the Superintendent or contrary to his directions, takes any elephant or camel or joins in any procession along any street,

Processions and music.

or plays or causes to be played any music in any such procession, shall, on conviction by a Magistrate, be punished with fine which may extend to one hundred rupees

91. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any street or public place, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

92. Whoever, without the permission of the Superintendent, alters, obstructs or encroaches upon any street or public drain, aqueduct or sewer, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street or public place, or deposits building materials or makes any hole or excavation on or in any street, shall, on conviction by a Magistrate, be punished with fine which may extend to one hundred rupees.

93. Whoever, contrary to the orders of the Superintendent, pickets animals or collects carts on any public ground or uses any such ground as a halting place for vehicles or animals of any description or as a place of encampment or causes or permits animals to stray, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

94. Whoever carries a corpse along a prohibited route or in a manner likely to cause annoyance to the public shall, on conviction by a Magistrate, be punished with fine which may extend to ten rupees.

95. Whoever, without being authorized by the Superintendent, defaces or disturbs any direction-post or lamp-post or extinguishes any light in any street or public place, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

96. Whoever prints or publishes any book or paper otherwise than in conformity with the provisions of section 78 of this Regulation, or keeps in his possession any such press as aforesaid without making such a declaration as is required by section 79 of this Regulation, shall, on conviction before the Superintendent, be

¹ Penalty for printing, publishing or keeping a press contrary to rules in sections 78 and 79.

¹ Cf. also para 2 of notification No 2651-I, dated the 25th June 1891, printed in Appendix XV.

punished with fine not exceeding five rupees or with expulsion from the Bazaars, or with both.

97. No person shall go armed with any arms except under a license and to the extent and in the manner permitted thereby Any person so going armed without a license or in contravention of its provisions may be disarmed by the Superintendent or by any Magistrate, Police-officer or other person empowered by the Resident in this behalf by name or by virtue of his office and the Resident may, if he shall think fit, direct that the arms taken from such person, or any of them, shall be confiscated :

Provided that nothing in this section shall apply to persons exempted by the Governor General in Council under section 27 of the Indian Arms Act or by the Resident by a rule made under this Regulation.

98. Whoever disobeys any lawful directions given by public notice or disobeys any written notice lawfully issued under the powers conferred by Chapter VI, or by rules under section 101 of this Regulation, or fails to comply with the conditions subject to which any permission was given to him under those powers shall, if the disobedience or [omission]¹ is not an offence punishable under any other section on conviction before a Magistrate, be punished with fine which may extend to fifty rupees, and in the case of a continuing breach, with a further fine which may extend to five rupees, for every day after the date of the conviction during which the offence is proved before a Magistrate to have been persisted in :

Provided that when the notice fixes a time within which a certain act is to be done and no time is specified in this Regulation, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Regulation.

CHAPTER VIII.—CONTROL.

Control. 99. The Superintendent and the Committee shall be subject in all respects to the control of the Resident

100.

101. (i) The Resident may from time to time frame forms for any proceedings of the Committee for which he considers that a form should be provided, and make rules consistent with this Regulation as to—

Rules.

(a) the appointment of members, and their term of office;

¹ The word "omission" was substituted for the word "commission" by erratum notification No. 2126-I.B., dated the 4th August 1898 *Gazette of India*, Pt. I, 1898, p. 873.

² This section, relating to vaccination, was repealed by notification No. 1811-I.B., dated the 1st July 1898. *Gazette of India*, 1898, Pt. I, p. 704.

- (b) the conduct of proceedings at meetings ;
- (c) the assessment and recovery of taxes, fees and moneys claimable under this Regulation, and for preventing evasion of the same ;
- (d) the authority on which money may be paid from the Residency Bazars Fund ;
- (e) the conditions on which property under management of the Committee may be transferred by sale, mortgage, lease, exchange or otherwise ;
- (f) the control of traffic, public procession and music ;
- (g) the registration of births and deaths, the regulation of vaccination, compulsory or otherwise, and the taking of a census ,
- (h) the carrying of arms ,
- (i) the offences under this Regulation or under rules made or enactments extended thereunder which shall be cognizable by the Police ; and
- (k) generally for the purposes of this Regulation.

(ii) In making any rule under this section, the Resident may direct that a breach of it shall be punishable, on conviction by a Magistrate, with fine which may extend to fifty rupees, and when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the date of such conviction during which the breach is proved before a Magistrate to have been persisted in.

(iii) No rule under sub-section (i) shall come into force until it has been notified by the Resident.

102. The Resident, with the previous sanction of the Governor General in Council, may make rules for the suppression of mendicancy and of loitering or importuning for the purpose of prostitution, and for the removal and exclusion from the Residency Bazars of disorderly persons, of persons convicted under Chapter XVII of the ¹Indian Penal Code, or ordered under the Code of Criminal Procedure, 1898,² to execute a bond for their good behaviour and of persons whom the Resident deems it necessary to exclude from the Residency Bazars with or without assigning any reason for excluding them therefrom.

103. The Governor General in Council may, by notification in the *Gazette of India*, extend to the Residency Bazars any enactments or part of any enactment for the time being in force in any municipality in the Hyderabad

¹ Applied to the Hyderabad Residency Bazars by notification No. 582-I.B., dated the 22nd March 1913, printed, *supra*, p. 227.

² See now the Code of Criminal Procedure, 1898, as applied to the Hyderabad Residency Bazars by notification No. 582-I B., dated the 22nd March 1913, printed, *supra*, p. 227.

A signed Districts, and declare its extension to be subject to such restrictions and modifications, if any, as he thinks fit

104. If any member, officer, or servant of the Committee is otherwise than with the permission in writing of the Resident, directly or indirectly interested in any contract made with the Committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.¹

105 No suit or prosecution shall be entertained by any Court against the Committee or any officer or person for anything in good faith done or purporting to be done in pursuance of powers conferred by or under this Regulation on such Committee, officer or person, whether the thing done was or was not authorized by the power so conferred

106. Every person shall be liable for the loss, waste or misapplication or any money or other property under the management of the Committee, if such loss or misapplication is a direct consequence of his neglect or misconduct while a member of the Committee ; and a suit for compensation may be instituted against him by the Committee with the previous sanction of the Resident.

107. When any land is required by the Committee for the purposes of this Regulation and is situate within the Residency Bazars, the Superintendent may as provided in section 81, proceed to its acquisition at the expense of the fund in general accordance with the provisions of the Land Acquisition Act for the time being in force in the Hyderabad Assigned Districts.

108. No Judge or Magistrate shall be deemed to be a party to, or interested in any prosecution for an offence punishable under this Regulation or any rule thereunder or any other law, within the meaning of section 555 of the Code of Criminal Procedure, 1882,² by reason only of his being or having been a member of the Committee by the order, or under the authority of which it has been instituted, or because as Superintendent he merely approved the prosecution.

109. Subject to such rules as the Resident may make under section 101 prescribing the offences which shall be cognizable by the police, no Court shall take cognizance of an offence punishable under this Regulation or under any enactment extended or rule made thereunder

¹ See foot note 1, *Supra*, page 304

² See now s. 556 of the Code of Criminal Procedure, 1898 (Act V of 1898), as supplied, *supra*, p. 227.

except on the complaint of the Superintendent or of some person authorized by him in this behalf.

In default of payment of any fine imposed under this Regulation or any enactment extended or rule made thereunder, the defaulter shall be liable to simple imprisonment for a term not exceeding eight days.

110. Nothing contained in this Regulation shall be construed to prevent any person from being prosecuted under any other law for any offence made punishable by this Regulation or from being liable under any other law to any higher penalty or punishment than is provided for such offence by this Regulation or by any rules made thereunder :

Saving of prosecution under other laws

Provided that no person shall be punished twice for the same offence.

111. Any arrear of any tax or any fee or other money claimable by or on behalf of the Committee may, in addition to any manner provided under section 101, be recovered on application to a Magistrate

Recovery of taxes, etc.

having jurisdiction within the limits of the Residency Bazars by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable; and if payable by the owner in respect of any property, moveable or immoveable, such arrear shall be a charge on the property.

112. No act done nor any proceeding taken under this Regulation shall be questioned on account merely of the existence of any vacancy in the Committee or on account of any defect or irregularity not affecting the merits of the case.

Vacancies and irregularities not to invalidate proceedings.

[See *Gazette of India*, 1895, Pt. I, p. 755.]

No. 3707-I B., dated the 4th October 1901.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879),² and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following rules to make better provision for the import, export, transport, manufacture, sale and

Secunderabad Cantonment Excise Rules, 1901.

¹ These Rules apply to Aurangabad by virtue of the following notification :—

No 3694-I B., dated the 7th October 1904.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to declare that all laws and rules having the force of law, which, immediately before the 11th March 1904, were in force in the Cantonment of Secunderabad, exclusive of the area formerly known as the "Contingent Station" of Bolaram, and have not been expressly rescinded, shall with effect from that date be deemed to be in force in the Cantonment of Secunderabad inclusive of the said area, and also in the Cantonment of Aurangabad. *Gazette of India*, 1904, Pt I p 748

² See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix II.

possession of liquor, opium, poppy-heads and intoxicating drugs, and for the collection of revenue derived therefrom within the Cantonment of Secunderabad :

CHAPTER I.—PRELIMINARY.

1. (1) These rules may be called "Secunderabad Cantonment Excise Rules, 1901".
 Title, extent and commencement Rules, 1901".
- (2) They extend to the Cantonment of Secunderabad ; and
- (3) They shall come into force on a day to be fixed by the Resident and notified in Residency Orders.¹
2. On and from that day the Secunderabad Local Abkari Rules of 1874 (known as Appendices I, II and III) shall be repealed.
 Repeal. repealed.
3. (1) In these rules, unless there is anything repugnant in the subject or context,—
 Definitions.
- Resident. (a) "Resident" means the Resident at Hyderabad ;
- (b) "Magistrate" means any Magistrate exercising powers not less than those of a Magistrate of the second class in the Cantonment of Secunderabad ;
 Magistrate.
- (c) "tari" means the sap of any kind of palm or date tree, whether in its fermented or unfermented state ;
 Tari.
- (d) "liquor" includes spirits of wine, methylated spirits, wine, tari, beer and all liquid consisting of or containing alcohol ;
 Liquor.
- (e) "spirit" means any liquor containing alcohol obtained by distillation ;
 Spirits.
- (f) "beer" includes ale, stout, porter, and all other fermented liquor usually made from malt ;
 Beer.
- (g) "country liquor" includes all liquor produced or manufactured in the territories of the Nizam of Hyderabad ;
 Country liquor.
- (h) "opium" includes preparations or admixtures of opium and intoxicating drugs prepared from the poppy, but does not include² [morphia and its preparations or] poppy-heads ;
 Opium.
- (i) "poppy-heads" means the dry capsules of the poppy plant ;
 Poppy-heads.

¹ The 1st April 1904 was so fixed, *see* notification No. 40, dated the 13th June 1913. *Hyderabad Residency Orders*, 1903, Pt. 7, p. 213.

² Inserted by notification No. 2589-I.B., dated the 22nd November 1911. *Gazette of India*, 1911, Pt. I, p. 1013.

- (j) "hemp" means any variety of the hemp plant from which
Hemp. intoxicating drugs can be prepared;
- (k) the expression "hemp drugs" means ganja, bhang, charas, and
Hemp drugs. every preparation and admixture of the same;
- (l) "wholesale vendor of opium" means a person holding a license
Wholesale vendor of opium. under rule 16;
- (m) "licensed vendor of opium" means a person holding a lease or
Licensed vendor of opium. license under rule 17;
- (n) "licensed druggist" means a person to whom the Cantonment
Licensed druggist. Magistrate has granted free of charge a license for the retail sale of opium, other than preparations or admixtures of opium used for smoking, and of poppy-heads, for medicinal purposes only;
- (o) "tola" means a weight
Tola. of 180 grains Troy;
- (p) "seer" means a weight
Seer. of eighty tolas;
- (q) "manufacture" includes every process, whether natural or
Manufacture. artificial, by which any liquor, opium or hemp drug is produced or prepared, redistillation and every process for the rectification of liquor;
- (r) "sale" and "selling" include
Sale and selling. any transfer otherwis than by way of gift;
- (s) the articles mentioned in the schedule shall be deemed respectively
Retail sale and wholesale. to be sold retail when sold in any quantity not exceeding that specified against each, and wholesale when sold in any larger quantity;
- (t) "import" means to bring within the limits of the Cantonment of
Import. Secunderabad;
- (u) "export" means to remove beyond the limits of the Cantonment
Export. of Secunderabad;
- (v) "transport" means to move from one place to another within the
Transport. Secunderabad Cantonment, and

(iv) "Cantonment Magistrate" means the Cantonment Magistrate of Secunderabad.
Cantonment Magistrate.

(2) In any case in which doubt arises the Resident may decide what, for the purpose of these rules, shall be deemed to be "country liquor," "tari," "opium" and "hemp drugs," respectively, and such decision shall be final and conclusive.

CHAPTER II.—LICENSES, LEASE, SHOPS, ETC.

4. (1) The Resident may from time to time frame instructions, consistent with these rules prescribing the form in
Prescription of forms and condition of lease, license, etc., and power to cancel the same. and the conditions on, which any lease, license, pass or permit required by these, rules shall be granted, and the officers by whom, and the fees on payment of which, they may be granted.

(2) Any sanction, lease or license granted under these rules may be cancelled by the officer by which it was granted.

5. The number of shops and the allocation of each shop in which any liquor, opium, poppy-heads or hemp drugs
Power to fix number and allocation of shops. may be sold within the Cantonment of Secunderabad shall be fixed from time to time by the Cantonment Magistrate subject to the sanction of the Resident.

CHAPTER III — LIQUOR.

6. (1) No liquor shall be manufactured at any place in the Cantonment of Secunderabad, no distillery or brewery
Manufacture. shall be constructed or worked in the said Cantonment, and no person therein shall have in his possession any material still, utensil, implement or apparatus whatsoever for the purpose of manufacturing liquor, except under the authority and subject to the terms and condition of a license to be granted by the Resident in this behalf or by the Cantonment Magistrate as hereinafter by this rule provided.

(2) The Cantonment Magistrate may, with the previous sanction of the Resident,—

(a) establish at any place within the Cantonment of Secunderabad a public distillery within which country liquor may be manufactured under a license granted by the Resident; and

(b) discontinue any public distillery so established.

(3) No country liquor shall be removed from a distillery or brewery licensed or established in the Cantonment of Secunderabad except under cover of a pass from the Cantonment Magistrate.

¹(4) Whenever the excise arrangements in the Cantonment of Secunderabad are entrusted to the Government of the Nizam, the powers conferred by this rule on the Resident and the Cantonment Magistrate shall be respectively exercised by the Government of the Nizam and by such officer as that Government may appoint in this behalf.

7. No liquor shall be sold by retail in the Cantonment of Secunderabad
 except in a shop opened in accordance with
 Sale. the provisions of rule 5 and the terms of a
 lease or license granted by the Cantonment Magistrate :

Provided that this rule shall not apply to the sale of any liquor legally procured by any person for his private use and sold by him, or by auction on his behalf, or on behalf of his representatives in interest upon his quitting the Cantonment of Secunderabad, or after his decease, to any person entitled to possess the same.

8. No person shall have in his possession, or shall transport, any quantity
 of country liquor larger than one seer, or of
 Possession and transport. tari larger than four seers, unless he is
 permitted to manufacture or sell the same or holds a permit therefor from an
 officer duly empowered in this behalf.

9. No person shall import any country liquor or tari except under the
 authority and subject to the terms and
 Import. conditions of a permit obtained by him from
 an officer duly empowered in this behalf, and no importer shall sell imported
 tari to any person other than a retail vendor of tari holding a lease or license
 under rule 7.

10. No person shall export any country liquor or tari except under the
 authority and subject to the terms and
 Export. conditions of a permit obtained from an
 officer duly empowered in this behalf.

CHAPTER IV.—OPIUM.

11. (1) The cultivation of the poppy is prohibited within the limits of
 Cultivation, etc the Secunderabad Cantonment.

(2) The import, export, manufacture, possession and sale of opium and
 poppy-heads are also prohibited, except as permitted by these rules.

12. (1) Opium, other than preparations or admixtures of opium used for
 smoking, and poppy-heads may be imported
 Import and export. by any person holding a lease or license
 under rule 16 or 17, or by a licensed druggist, under the authority and

¹ Added by notification No. 1285-I.B., dated the 3rd April 1902. *Gazette of India, 1902*, Pt. I, p. 260.

subject to the terms and conditions of a permit obtained from the Cantonment Magistrate.

(2) Opium imported under sub-rule (1) shall be immediately taken, with bulk unbroken, before the District Superintendent of Police, to be weighed and examined.

(3) If on examination the District Superintendent of Police is satisfied that the opium corresponds with the permit authorizing its import, he shall allow the importer,—

- (a) if he is a wholesale vendor of opium, to store it at such warehouse or warehouses as may have been appointed by the Superintendent of Police with the approval of the Cantonment Magistrate; and,
- (b) if he is a licensed vendor of opium or a licensed druggist, to take it to the shop or shops at which he may have been authorized to sell it.

(4) If the opium is found not to correspond with the permit authorizing its import, it shall be liable to be treated as opium imported in contravention of these rules.

13. (1) The manufacture of preparations and admixtures of opium and intoxicating drugs prepared from the poppy, other than preparations or admixtures of opium used for smoking, is permitted—

- (a) by any person for his own domestic use: provided that such manufacture is in quantities in which the possession of the said articles is permitted by these rules, and is from opium of which the possession is similarly permitted;
- (b) by a licensed vendor for retail sale and by a licensed druggist for medicinal purposes. provided that such manufacture is in accordance with these rules and the terms and conditions of his lease or license.

(2) Preparations or admixtures of opium used for smoking may be manufactured by any person in a quantity not exceeding one tola: provided that such manufacture is for his private consumption and not for sale, and that it is from opium of which he is permitted by these rules to be in possession.

Possession.

14. (1) Any person may possess—

- (a) opium, other than a preparation or admixture of opium used for smoking, to an amount not exceeding five tolas in weight: provided that it has been purchased from a licensed vendor or druggist under these rules;
- (b) any preparation or admixture of opium used for smoking to an amount not exceeding one tola in weight: provided that it has

been manufactured from crude opium purchased from a licensed vendor or druggist under these rules by the possessor under rule 13, sub-rule (2);

- (e) poppy-heads to an amount not exceeding five seers in weight provided that they have been purchased from a licensed vendor or druggist under these rules

(2) A person authorized by the general or special order in writing of the Cantonment Magistrate to possess opium or poppy-heads in quantity exceeding in weight that specified in sub-rule (1) of this rule may possess the opium or poppy-heads covered by the order.

(3) A licensed druggist may, subject to the terms and conditions of his permit, possess opium, other than preparations or admixtures of opium used for smoking, not exceeding one seer in weight, and poppy-heads not exceeding ten seers in weight.

(4) A licensed vendor of opium or poppy-heads may, subject to the terms and conditions of his lease or license, possess opium, other than preparations or admixtures of opium used for smoking, or poppy-heads as the case may be in any quantity.

(5) A wholesale vendor may, subject to the terms and conditions of his permit, possess opium, other than preparations or admixtures of opium used for smoking, and poppy-heads in any quantity.

15. (1) A licensed vendor of opium or poppy-heads may, subject to the terms and conditions of his lease or license
 Sale. sell opium, other than preparations or admixtures of opium used for smoking, or poppy-heads, as the case may be, to any person, within the limits of the quantity that may be possessed by such person in accordance with rule 14.

(2) A licensed druggist may, subject to the terms and conditions of his license, sell opium, other than preparations or admixtures of opium used for smoking, or poppy-heads by retail for medicinal purposes only.

16. The Cantonment Magistrate may grant to any person a wholesale
 Wholesale vendor's license. vendor's license empowering him to sell opium, other than preparations or admixtures of opium used for smoking, and poppy-heads in any quantity to other persons holding similar licenses and to licensed vendors of opium.

17. Licenses or leases for the sale of opium, other than preparations or
 Licensed vendor's lease or license. admixtures of opium used for smoking, or poppy-heads or both, in a shop opened in accordance with the provisions of rule 5, shall be granted by the Cantonment

Magistrate and shall be for one year only, unless the Resident otherwise specially directs.

18. All wholesale and all licensed vendors of opium shall be bound to maintain such books and to render such returns as the Cantonment Magistrate may from time to time prescribe; to present these books for examination at such places and at such times as the Cantonment Magistrate may direct; and to furnish such explanations regarding their dealings as they may be required to furnish.

19. (1) A wholesale or a licensed vendor of opium may dispose of any opium or poppy-heads remaining in his possession at the expiry of his lease or license by private sale to other licensed vendors within the Cantonment of Secunderabad, provided that he gives written information of the quantity so sold by him to the Cantonment Magistrate together with the written acknowledgment of the purchaser or purchasers verified in such manner as the Cantonment Magistrate may direct. Any opium or poppy-heads which he is unable so to dispose of, shall be surrendered by him to the Cantonment Magistrate.

(2) On the expiry of a license held by a licensed druggist, opium or poppy-heads in the possession of such druggist shall be disposed of in such manner as the Cantonment Magistrate may direct.

20. Nothing in these rules shall be deemed—
Possession, sale, etc., on behalf of Government

- (a) to prohibit the possession for *bona fide* medicinal purposes by medical servants of the British or of the Nizam's Government of opium in excess of the amount limited in rule 14, sub-rule (1);
- (b) to affect the possession, transport, import, export or sale of opium by or on behalf of the British or the Nizam's Government, which is hereby permitted.

CHAPTER V.—HEMP DRUGS.

21. The cultivation of hemp is prohibited within the limits of the Cantonment of Secunderabad.

22. (1) The import of hemp drugs is prohibited except by a person licensed to sell the same under rule 25, and subject to the following conditions, namely:

- (a) that the importer obtains a permit in that behalf from the Cantonment Magistrate;

(b) that the import is from the place and by the route specified in such permit, and in accordance with any further conditions therein laid down ; and

(c) that on arrival of the hemp drugs at their destination they are immediately taken, with bulk unbroken, before the District Superintendent of Police to be weighed and examined.

(2) If on examination the District Superintendent of Police is satisfied that the drugs correspond with the permit authorizing their import, he shall allow them to be taken to the shop at which they may have been authorized to be sold.

(3) If the drugs are found not to correspond with the permit authorizing their import, they shall be liable to be treated as drugs imported in contravention of these rules.

23. The export of hemp drugs is prohibited except under the authority and subject to the terms and conditions of a permit granted by an officer duly empowered in that behalf.

Export.

24. The manufacture of hemp drugs within the Cantonment of Secunderabad in excess of the quantities specified in rule 26 is prohibited, except by a person licensed to sell the same under rule 25, or by a person holding a special permit to possess the same under rule 26.

Manufacture

25. No hemp drugs shall be sold in the Cantonment of Secunderabad except in a shop opened in accordance with the provisions of rule 5 and the terms and conditions of a lease or license granted by the Cantonment Magistrate.

Sale.

26. No person shall have in his possession any quantity of hemp drugs larger than—

Possession.

(a) five tolas in the case of ganja or charas or any preparation or admixture thereof ; and

(b) one seer in the case of bhang or any preparation or admixture thereof,

unless he holds a lease or license under rule 25 or holds a permit therefor from an officer duly empowered in this behalf.

CHAPTER VI.—OFFICERS AND THEIR POWERS.

Powers of Resident to frame rules.

27. The Resident may make rules,—

(a) determining the number of licenses or leases for the manufacture or sale of liquor, opium, poppy-heads or hemp drugs to be granted in the Cantonment of Secunderabad ;

- (b) regulating the number, size and description of stills to be used in any distillery licensed or established by the Cantonment Magistrate.
- (c) for the inspection and supervision of stills, distilleries and breweries so licensed or established;
- (d) for the management of any public distillery similarly established.
- (e) for placing the storage, import, transport or removal of liquor, opium, poppy-heads or hemp drugs, under such supervision as may be deemed necessary;
- (f) prohibiting the use of any article which he deems to be noxious or otherwise objectionable in the manufacture of liquor, opium or hemp drugs;
- (g) regulating the disposal of things confiscated under these rules;
- (h) prescribing the duties of Excise Officers under these rules;
- (i) regulating the payment of rewards to officers and informers out of the proceeds of fines and confiscations under Chapter VII of these rules; and
- (j) providing generally for carrying out these rules.

28. The Cantonment Magistrate may, subject to the control of the Resident, appoint persons whether in the British service or in that of the Nizam of Hyderabad or in that of a person holding a lease or license for the sale of liquor, opium, poppy-heads or hemp drugs under these rules, to be officers for the collection of the excise revenue and for the prevention of offences against these rules; and the officers so appointed shall, in addition to their ordinary designations (if any), be styled Excise Officers.

29. A Magistrate may recover any amount due under these rules for any lease, license, pass or permit by distress and sale of the moveable property found within the Secunderabad Cantonment limits of the person from whom such amount is due or of his surety.

30. Any Excise Officer may enter and inspect at any time by day or by night the shop or premises in which any manufacturer or vendor licensed under these rules carries on the manufacture or sale of any liquor, opium, poppy-heads or hemp drugs.

31. Any Excise Officer may detain and search any person whom he has reason to believe to be guilty of any offence against these rules or any other law or rules relating to excise revenue for the time being in force in the Cantonment of Secunderabad or to be carrying any liquor

opium, poppy-heads, hemp or hemp drugs liable to confiscation under these rules, and may seize such liquor, opium, poppy-heads, hemp or hemp drugs together with any packages, coverings or vessels in which the said article or articles is or are contained and the other contents (if any) thereof, and any animals and conveyances used in carrying the same; and may also arrest the person in whose possession such liquor, opium, poppy-heads, hemp or hemp drugs is or are found.

32. Any Excise Officer in the receipt of a monthly salary of not less than ten Hali Sicca rupees, or who receive an annual remuneration equivalent to such salary, may arrest any person having in his possession any article liable to confiscation under these rules, or engaged in the unlawful sale of any liquor, opium poppy-heads or hemp drugs and may seize such article, liquor, opium, poppy heads or hemp drugs.

33. Whenever any Excise Officer in receipt of such monthly salary or annual remuneration as aforesaid has reason to believe from information given by any person (which information shall be taken down by him in writing) that in any place any liquor, opium or hemp drug is unlawfully manufactured, or any still utensil, implement or apparatus is used, kept or concealed for the purpose of manufacturing any liquor, opium or hemp drug in contravention of these rules or any other article liable to confiscation under these rules is kept or concealed such officer may, after sunrise and before sunset (but always in the presence of an officer of police in the receipt of a monthly salary of not less than ten Hali Sicca rupees, unless the Excise Officer is himself such an officer of police) enter into such place, and, in case of resistance, may break open any door and force and remove any other obstacle to such entry, and may seize and carry away such liquor, opium or hemp drug or article, after making an inventory thereof in presence of at least two respectable inhabitants of the locality, and may also detain and search, and if he thinks fit arrest, the occupier of the place with all other persons concerned in the manufacture of such liquor, opium or hemp drug, or in the using, keeping and concealing of such article.

34. A Magistrate may issue his warrant for the arrest of any person whom he has reason to believe, either from information in writing or from the proceedings in any other case under these rules or any other law, to be engaged in the unlawful manufacture or sale of any

Power of Excise Officers in cases of possession of liquor, etc., liable to confiscation and of illicit sales.

Power of Excise Officers to search on information of illicit manufacture or possession.

Power of Magistrate to issue warrant of arrest in certain cases.

liquor, opium, poppy-heads or hemp drugs, or to have in his possession any article liable to confiscation under these rules, or to have committed any other offence against these rules or any other law or rules relating to excise revenue for the time being in force in the Cantonment of Secunderabad.

35. (1) A Magistrate may issue his warrant for the search of any place in which he has reason to believe, either from information in writing, or from the proceedings in any other case under these rules or any other law, that any liquor, opium, poppy-heads or hemp drugs is or are unlawfully manufactured or sold, or that any liquor, opium, poppy-heads or hemp drugs or any other article liable to confiscation under these rules or any other law or rules relating to excise revenue for the time being in force in the Cantonment of Secunderabad is or are kept or concealed.

(2) Such warrant may be executed by any Excise Officer in the receipt of a monthly salary of not less than ten Hali Sicca rupees at the time and in the manner prescribed in rule 33.

(3) Whenever a Magistrate thinks that the search should be made after sunset and before sunrise on any particular day, he shall issue a warrant specially authorizing the search to be so made. Such warrant may be executed by any Excise Officer as aforesaid in the manner prescribed by rule 33, and shall cease to be in force at sunrise on the day next following.

36. Whenever an Excise Officer arrests any person or seizes any article liable to confiscation under these rules, or enters any place for the purpose of searching for any such article, he shall, within twenty-four hours thereafter, make a full report of all the particulars of such arrest or seizure to his employer or official superior, and shall take the person arrested or the article seized with all convenient despatch to a Magistrate for trial or adjudication.

37. Whenever any person is arrested or any article is seized under the warrant of a Magistrate issued under these rules, the officer making such arrest or seizure shall within twenty-four hours thereafter take the person arrested or the article seized to that Magistrate, and the Magistrate, after such enquiry as he thinks necessary, shall send such person or article to any other Magistrate, or shall order the immediate discharge of such person or the release of such article.

38. Every officer of police shall, on request made by an Excise Officer aid such Excise Officer in the due execution of his duties under these rules.

Resident empowered to invest Police
Officers with powers of Excise
Officers.

39. (1) The Resident may invest—

- (a) any officer of police with the powers conferred on Excise Officer by rule 31 ;
- (b) any officer of police in charge of a station or of or above the grade of Head Constable, with the powers conferred on Excise Officers by rules 32 and 33.

(2) Every officer so invested with powers shall, for all purposes connected with the exercise of those powers, be deemed to be an Excise Officer within the meaning of these rules.

40. (1) The Cantonment Magistrate may, by notice in writing to a person holding a lease or license under these rules for the sale of any liquor, opium, poppy-heads or hemp drugs, require that any shop in which such liquor, opium, poppy-heads or hemp drugs is or are sold shall be closed at such times as he thinks necessary for the sake of public peace and order that such shop shall remain closed.

(2) In the event of the occurrence of a riot or unlawful assembly in the vicinity of any such shop, any Magistrate or officer of police who is present may require such shop to be kept closed for such period as he thinks fit.

CHAPTER VII.—PENALTIES.

41. Whoever, being the holder of a lease, license, pass or permit granted under these rules, or being the servant or agent of such holder,—

For misconduct by lessee or licen-
see etc.

- (a) fails to produce such lease, license, pass or permit on the demand of any Excise Officer, or
- (b) wilfully does, or omits to do anything in contravention of these rules or of any rules made thereunder, or
- (c) commits any act in breach of the conditions of his lease, license, pass or permit not otherwise provided for by these rules, or
- (d) wilfully contravenes any rule prescribed by the Resident for the management of a public distillery established under rule 6, or
- (e) commits any act in breach of the conditions on which he is permitted to manufacture liquor in any such public distillery, or
- (f) permits drunkenness, riot or gaming in any shop or place in which any liquor, opium, poppy-heads or hemp drugs is or are sold or manufactured, or

(g) permits persons of notoriously bad character to meet or remain in any such shop or place, or

(h) receives any wearing apparel or other effects in barter for any liquor, opium, poppy-heads or hemp drugs sold to any person, shall be punishable with fine which may extend to one hundred rupees.

42. Whoever, being the holder of a lease or license for the sale or manufacture of liquor, opium, poppy-heads or hemp drugs under these rules,—
For misconduct by licensed vendor or manufacturer.

(a) mixes or permits to be mixed with the liquor, opium, poppy-heads or hemp drugs sold or manufactured by him any noxious drug or any foreign ingredient likely to add to its actual or apparent intoxicating quality or strength, or any article prohibited by any rule made under rule 27, clause (f), or

(b) sells or keeps or exposes for sale as European or foreign liquor any liquor which he knows or has reason to believe to be country liquor,

shall be punishable with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

43. Whoever in contravention of rule 6 manufactures any liquor, or constructs or works any distillery or brewery or uses, keeps or has in his possession any material, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing liquor, shall be punishable with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both; and all liquor manufactured in contravention of rule 6 and all materials, stills, utensils, implements or apparatus whatsoever collected or had in possession for the purpose of such manufacture, shall, together with any vessels, packages and coverings in which any liquor material, still, utensil, implement or apparatus aforesaid is found, and the other contents, if any, of the vessel or package in which the same is found, be liable to confiscation.

For illegally removing, importing, exporting or transporting country liquor or tari.

44. Whoever—

(a) without a pass as required by rule 6 removes any country liquor from the place of its manufacture, or

(b) in contravention of rule 8 transports any country liquor or tari or

(c) in contravention of rule 9 or 10 imports or exports any country, liquor or tari,

shall be punishable with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both; and the said country liquor or tari, together with any vessels, packages and coverings, containing the same, and the other contents, if any, of the package or covering in which such liquor may be found, and any animals and conveyances used in carrying it shall be liable to confiscation.

45. Whoever in contravention of rule 7 or 25 sells any liquor or hemp drugs shall be punishable with imprisonment

For illegally selling liquor or hemp drugs. for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

46. Whoever in contravention of rule 8 possesses any country liquor or tari shall be punishable with fine which may

For illegally possessing country liquor or tari. extend to two hundred rupees; and the country liquor or tari, together with any vessels, packages or coverings in which it is contained, and the other contents, if any, of such vessel or package, and any animals and conveyances used in carrying it, shall be liable to confiscation.

47. Whoever in contravention of any of the provisions of Chapter IV—
For illegal cultivation of poppy, etc.

- (a) cultivates the poppy, or
- (b) manufactures opium or poppy-heads, or
- (c) possesses opium or poppy-heads, or
- (d) imports or exports opium or poppy-heads, or
- (e) sells opium or poppy-heads, or
- (f) omits to warehouse opium, or removes or does any act in respect of warehoused opium, or

otherwise contravenes any of the provisions of the said Chapter, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both; and when a fine is imposed, the convicting Magistrate shall direct the offender to be imprisoned in default of payment of the fine for a term which may extend to six months, and such imprisonment shall be in excess of any other imprisonment to which he may have been sentenced.

Confiscation of opium.

48. In any case in which an offence under rule 47 has been committed—

- (a) the poppy in respect of which the offence has been committed,

- (b) the opium or poppy-heads in respect of which the offence has been committed,
- (c) where, in the case of an offence under clause (d) of the said rule, the offender is importing or exporting any opium or poppy-heads exceeding the quantity (if any) which he is permitted to import or export, as the case may be, the whole of the opium or poppy-heads which he is importing or exporting,
- (d) where, in the case of an offence under clause (e) of the said rule, the offender has in his possession any opium or poppy-heads other than the opium or poppy-heads in respect of which the offence has been committed, the whole of such other opium or poppy-heads,

shall be liable to confiscation, along with the vessels, packages and coverings in which the opium or poppy-heads is or are found, and the other contents (if any) of the vessel or package in which such opium or poppy-heads is or are concealed, and the animals and conveyances used in carrying the same

For illegal cultivation of hemp and
illegal manufacture, etc., of hemp
drugs.

49. (1) Whoever in contravention of
any of the provisions of Chapter V—

- (a) cultivates hemp, or
- (b) prepares any hemp drug, or
- (c) possesses any hemp drug, or
- (d) imports or exports any hemp drug,

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) Any hemp or hemp drug in respect of which an offence has been committed under this rule, together with any vessels, packages or coverings containing the same, and any animals and conveyances used in carrying it shall be liable to confiscation.

50. (1) Whoever, being the owner or occupier of land, or the agent of

For conniving at illicit manufacture
or sale of liquor, etc.

any such owner or occupier, authorizes or
connives at the illegal manufacture or sale
of any country liquor, tari or hemp-drug

shall be punishable with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever, being invested with local jurisdiction, authorizes or connives at the illegal sale of any such liquor, tari or hemp-drug within the local limits of his jurisdiction, shall be punishable with fine which may extend to five hundred rupees.

51 Whoever, being an officer of police, without lawful excuse neglects

For police neglecting to aid Excise Officers. or refuses to aid an Excise Officer as required by rule 38, and whoever being an officer in charge of a police station, on application made by an Excise Officer desiring to act under rule 33, fails to attend a search himself, or to depute a subordinate officer of the required rank, shall be punishable with fine which may extend to five hundred rupees.

52. Whoever, being an Excise or other officer, unlawfully releases or

For conniving at escape of persons arrested, etc. connives at the escape of any person arrested under these rules, or connives at the commission of any offence against these rules, or acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of these rules may be evaded or broken, shall be punishable with fine which may extend to five hundred rupees or with imprisonment for a term which may extend to six months, or with both

53. Whoever maliciously gives false information that any person has

For maliciously giving false information. committed or been concerned in any offence against these rules, with the intent that such person be arrested, or that any building or place be searched to the injury or annoyance of such person, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

54. Whoever, being an Excise Officer,—

For vexatious search or seizure.

- (a) without reasonable ground of suspicion searches, or causes to be searched, any place, or
- (b) vexatiously and unnecessarily seizes the moveable property of any person on the pretence of seizing or searching for any article liable to confiscation under these rules, or
- (c) vexatiously and unnecessarily arrests any person, or
- (d) commits any other excess not required for the execution of his duty,

shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

55. Whoever, being an Excise Officer, in contravention of rule 36 or 37

For delay in reporting arrests, etc, or in taking person arrested to Magistrate. neglects to report the particulars of an arrest, seizure or search, or delays taking to a Magistrate any person arrested or any article seized under such rule, shall be punishable with fine which may extend to two hundred rupees.

56. In every prosecution under rule 43, 44, 45, 46, 47 or 49, as the case may be, it shall be presumed, until the contrary is proved, that the accused person has committed an offence under such rule in respect of any liquor, opium, poppy-heads, hemp or hemp-drugs, or any stills, utensil, implement or apparatus whatsoever for the manufacture of liquor, opium or hemp-drugs, or any such materials as are ordinarily used for such manufacture, for the possession of which he is unable to account satisfactorily ;

and the holder of a lease, license, pass or permit under these rules shall be responsible, as well as the actual offender, for any offence committed by any person in his employ, or acting on his behalf, under rule 41, 42, 43, 44, 45, 47 or 49, as the case may be, as if he had himself committed the same, unless he proves that all due and reasonable precautions were exercised by him to prevent the commission of such offence.

57. No Court shall take cognizance of an offence punishable under rule 41, clause (a), (b), (c), (d) or (e), 43, 44, 45, 46, 49 or 50, except on the complaint or report of a Magistrate or an Excise Officer ; and no Court shall take cognizance of any offence punishable under any of these rules, except rule 47, unless the prosecution is instituted before the expiry of six months next after the commission of the offence.

58. Every person imprisoned for an offence under rule 41, clause (a), (b), (c), (d) or (e), shall be confined in the civil jail, and every person imprisoned for an offence under any other provision of these rules shall be confined in the criminal jail.

59. Whoever attempts to commit any offence punishable under these rules, or abets within the meaning of the Indian Penal Code, the commission of an such offence shall be punishable with the punishment provided for such offence.

60. (1) Any article liable, on the conviction of an offender, to confiscation under these rules may, on the application of an Excise Officer, be confiscated by the order of a Magistrate, whether any conviction of an offence against these rules is secured against any person in respect of such article or not.

(2) Whenever confiscation is authorized under these rules the Magistrate ordering it may give the owner of the thing liable to be confiscated an option to pay, in lieu of confiscation, such fine as the Magistrate thinks fit.

(3) Where an offence against these rules has been committed, but the offender is not known or cannot be found, or when any liquor, opium, poppy-heads, hemp or hemp drugs not in the possession of any person cannot be satisfactorily accounted for, the case shall be enquired into and determined by a Magistrate, who may order the confiscation of the article or articles in respect of which the offence is committed :

Provided that no such order shall be made until the expiration of one month from the date of seizing the article or articles intended to be confiscated, or without hearing the persons (if any) claiming any right thereto, and the evidence (if any) which they produce in support of their claims.

THE SCHEDULE.

[See rule 3 (I) (s).]

Liquor, not being country liquor	2 Imperial gallons or 12 reputed quart bottles.
Country liquor, other than tari	One seer
Tari	Four seers
Opium, other than preparations or admixtures of opium used for smoking	Five tolas.
Poppy-heads	Five seers
Ganja or charas or any preparation or admixture thereof	Five tolas.
Bhang or any preparation or admixture thereof	One seer

[*Gazette of India*, 1901, Pt I, p. 725]

No. 698-I.B., dated the 13th February 1903 —In exercise of the power conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879)¹, and of all other powers enabling him in this behalf, the Governor General in Council, with the concurrence of His Highness the Nizam of Hyderabad, is pleased to make the following rules regarding the import, export, transport, manufacture, sale and possession of opium and poppy-heads within such lands in His Highness's territories (other than the Railway lands in the Hyderabad Assigned Districts and those referred to in the ² notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November 1891, and No. 3244-I B., dated the 26th August 1897, but including those which are, or hereafter may be, occupied by the Hyderabad-Godavari Valley Railway) as are, or may hereafter be, occupied by railways (including the lands occupied as stations, out-buildings and for other railway purposes) over which power and jurisdiction have been ceded to the British Government, namely :—

Short title and commencement.

1. (I) These rules may be called the Hyderabad (Railway-lands) Opium Rules, 1903; and

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

² See now notification No. 778-I. B., dated the 9th April 1913. Printed Vol. V, p. 35.

(2) They shall come into force only in such areas and on such dates as the Resident may, by notification in the Hyderabad Residency Orders, fix in this behalf.¹

Definitions.

2. (1) In these rules, unless there is anything repugnant in the subject or context, —

- (a) "Resident" means the Resident at Hyderabad;
- (b) "Magistrate" means,—
 - (i) in the case of any inquiry into, or trial of, any charge against a European British subject or any person accused of having committed offences conjointly with such a subject, a Justice of the Peace appointed under section 6 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879)², in or for any area in which these rules are in force; and
 - (ii) in all other cases, any Magistrate exercising within any such area powers not less than those of a Magistrate of the second class;
- (c) "excise officer" means any person appointed by the Resident to be an excise officer for the purposes of these rules;
- (d) "opium" means the inspissated juice of the poppy and includes preparations or admixtures of opium and intoxicating drugs prepared from the poppy, and the capsules of the poppy plant from which the juice has not been extracted, but does not include ³ [morphia and its preparations or] poppy-heads as hereinafter defined;
- (e) "poppy-heads" means the capsules of the poppy plant from which the juice has been extracted;
- (f) "licensed vendor" means a person licensed to sell opium by or under any law for the time being in force in His Highness the Nizam's dominions relating to opium revenue;
- (g) "licensed druggist" means a person holding a license under rule 8;
- (h) "tola" means a weight of one hundred and eighty grains troy;
- (i) "ser" means a weight of eighty tolas;
- (j) "manufacture" includes every process, whether natural or artificial, by which opium is produced or prepared;

¹ They were so brought into force in all the railway lands in the Administered Areas from the 1st April 1903. See notification No 7, dated the 23rd February 1903 *Hyderabad Residency Orders* 1903. Pt I, p. 66.

² See footnote 1 on previous page

³ Inserted by notification No 2591-I B, dated the 22nd November 1911 *Gazette of India*, 1911, Pt. I, p. 1014.

- (k) opium when sold in any quantity not exceeding five tolas, and poppy-heads when sold in any quantity not exceeding five seers, shall be deemed to be sold by retail.

(2) In any case in which doubt arises, the Resident may decide what, for the purpose of these rules, shall be deemed to be "opium," and his decision shall be final.

General prohibitions and restrictions. 3. (1) The cultivation of the poppy within any area in which these rules are for the time being in force, is prohibited.

(2) Save as hereinafter otherwise provided, the import, export, manufacture, possession and sale of opium or poppy-heads from, into or in the area in which these rules are for the time being in force, is prohibited.

Import and export. 4. (1) Opium and poppy-heads may be imported and exported, if—

- (a) they are consigned through by railway to the Province of Madras without bulk being broken ; or
- (b) they are carried, for his own consumption and not for sale, by any person entitled to possess the same under rule 7

(2) Opium, other than preparations or admixtures of opium and intoxicating drugs used for smoking, and poppy-heads may be imported and exported, if—

(a) they are consigned from Indore—

- (i) to the Hyderabad railway station to the care of the Taluqdar of Abkari in His Highness the Nizam's service, or
- (ii) to the Gulburga, Aurangabad, Talna, Parbhani, Nander, Indur or Warangal railway stations to the care of the First Taluqdar ; and

(b) they are covered by a pass granted by the Deputy Opium Agent at Indore.

5. (1) Opium or poppy-heads imported under rule 4, sub-rule (2), shall be immediately taken, with bulk unbroken, before Examination of opium after import. the senior officer of police on duty at the delivering railway station to be weighed and examined.

(2) Where and in so far as, on examination, such officer is satisfied that the opium or poppy-heads is or are covered by the pass, he shall allow the consignee or his agent to remove it or them.

(3) Where and in so far as the opium or poppy-heads is or are found not to be covered by the pass, it or they shall be liable to be treated as opium or poppy-heads imported in contravention of these rules.

6. (1) Save as hereinafter otherwise provided, preparations and admixtures of opium and intoxicating drugs prepared from the poppy may be manufactured by any person for his own consumption and not for sale.

Manufacture.

(2) Save as aforesaid, preparations and admixtures of opium and intoxicating drugs prepared from the poppy, other than preparations or admixtures of opium or intoxicating drugs used for smoking, may, subject to the terms and conditions of his license, be manufactured by any licensed druggist for the sale by retail for medicinal purposes only :

Provided that the quantity manufactured, together with the quantity (if any) already possessed by such person or licensed druggist, shall not exceed the quantity which he is permitted by rule 7 to possess.

Provided, also, that preparations or admixtures of opium or intoxicating drugs prepared from the poppy shall not be manufactured by any such person or licensed druggist from any opium which he is not permitted by the said rule to possess.

Possession.

7. (1) Any person may possess—

(a) opium other than a preparation or admixture of opium or intoxicating drug used for smoking, in any quantity not exceeding five tolas ;

(b) any preparation or admixture of opium or intoxicating drug used for smoking, in any quantity not exceeding one tola ;

(c) poppy-heads in any quantity not exceeding five sers :

Provided that such opium or poppy-heads has or have been purchased, or such preparation or admixture or intoxicating drug has been manufactured from opium purchased by the possessor from a licensed vendor or a licensed druggist.

(2) A person authorized by the general or special order in writing of the Superintendent of Railway Police to possess—

(i) opium, other than a preparation or admixture of opium or intoxicating drug used for smoking, in any quantity not exceeding half a ser ;

(ii) any preparation or admixture of opium or intoxicating drug used for smoking, in any quantity not exceeding five tolas ;

(iii) poppy-heads in any quantity not exceeding ten sers ;

may possess the opium or poppy-heads covered by such order.

(3) A licensed druggist may, subject to the terms and conditions of his license, possess opium, other than preparations or admixtures of opium or

intoxicating drugs used for smoking, in any quantity not exceeding one ser and poppy-heads in any quantity not exceeding ten sers.

8. (1) Licenses to sell opium or poppy-heads may be granted to druggists by the Superintendent of Railway Police and shall be free of charge.

Sale.

(2) A druggist licensed under sub-rule (1) may, subject to the terms and conditions of his license, sell by retail, for medicinal purposes only, and to railway employes and *bona fide* travellers only, opium, other than preparations or admixtures of opium and intoxicating drugs used for smoking, or poppy-heads.

9. On the expiry or cancellation of any order made under rule 7, sub-
(2), or of any license granted under rule
8, any opium or poppy-heads in the possession of the person authorized or of the licensed druggist shall be disposed of in such manner as the Superintendent of Railway Police, subject to any general or special orders made by the Resident in this behalf, may direct.

Disposal of opium or poppy-heads after expiry or cancellation of orders or licenses.

10. Nothing in these rules shall be deemed to limit or otherwise affect—

- (a) the possession in good faith of opium or poppy-heads for medicinal purposes only by any medical officer of the British Government or of His Highness the Nizam's Government in any quantity exceeding that permitted by rule 7, or
- (b) the possession, import, export or sale of opium or poppy-heads by or on behalf of, the British Government or of His Highness the Nizam's Government.

11. Where any consignment of opium or poppy-heads is transported by railway, the station-master, or other railway servant for the time being in charge, at the forwarding and delivering railway stations, respectively, shall be bound to give immediate information to the senior police officer on duty at such station.

Transport

12. (1) The Resident may, by notification in the Hyderabad Residency Orders, issue orders, consistent with these rules, to regulate—

Power to issue orders regarding things confiscated and rewards.

- (a) the disposal of all things confiscated, other than poppy, opium and poppy-heads, and
- (b) the rewards to be paid to officers and informers out of the proceed of fines and confiscations.

(2) Poppy, opium and poppy-heads confiscated under these rules, shall be made over with as little delay as possible to a responsible officer of His Highness the Nizam's Government.

13. Any officer of police or excise officer may detain and search any person whom he has reason to believe to be guilty of any offence against these rules or to be carrying any opium or poppy-heads liable to confiscation ; and may seize such opium or poppy-heads, together with any packages, coverings or vessels in which it or they is or are contained together with the other contents (if any) of such packages, coverings or vessels ; and may also arrest the person in whose possession such opium or poppy-heads is or are found.

14. Any officer of police or excise officer, superior in rank to a constable or peon and authorized by the Resident in this behalf, who has reason to believe that any opium or poppy-heads liable to confiscation is or are manufactured, sold, kept or concealed in any building, vessel or enclosed place, may between sunrise and sunset,—

- (a) enter into any building, vessel or place ;
- (b) in case of resistance, break open any door and remove any other obstacles to such entry ;
- (c) seize such opium or poppy-heads together with all materials used in the manufacture of such opium, and any other thing which he has reason to believe to be liable to confiscation ; and
- (d) detain and search, and, if he thinks proper, arrest any person whom he has reason to believe to be guilty of any offence relating to such opium or poppy-heads under these rules.

15. A Magistrate may issue a warrant for the arrest of any person whom he has reason to believe to be engaged in the unlawful manufacture or sale of any opium or poppy-heads or to have in his possession any article liable to confiscation, or to have committed any other offence against these rules.

16. (1) A Magistrate may issue his warrant for the search of any place in which he has reason to believe that any opium or poppy-heads is or are unlawfully manufactured, sold, kept or concealed.

(2) Such warrant may be executed by any officer of police or excise officer, superior in rank to a constable or peon, at the time, and in the manner, hereinbefore prescribed by rule 14.

(3) Where any Magistrate is of opinion that the search should be made after sunset on any particular day and before sunrise on the day next following, he may issue a warrant specially authorizing the search so to be made; and such warrant may be executed by any officer of police or excise officer; superior in rank to a constable or peon, and shall cease to be in force at sunrise as aforesaid.

17. Where any person is arrested, or any person or place is searched, or any article is seized, under these rules, the officer making such arrest, search or seizure shall—

Procedure after arrest or seizure.

- (a) report the full particulars of such arrest, search or seizure to his superior officer within twenty-four hours, and
- (b) bring any person arrested or article seized before a Magistrate within twenty-four hours, exclusive of the time occupied on the journey from the place of arrest or seizure, to such Magistrate.

Penalties for contravening rules 3 to 10.

18. (1) Any person who, in contravention of any of the provisions of rules 3 to 10—

- (a) cultivates the poppy, or
- (b) manufactures opium, or
- (c) possesses opium or poppy-heads, or
- (d) imports or exports opium or poppy-heads, or
- (e) sells opium or poppy-heads,

and any person who otherwise contravenes any of the said rules, shall, on conviction before a Magistrate, be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(2) Where a fine is imposed under sub-rule (1), the convicting Magistrate shall direct the offender to be imprisoned in default of payment of the fine for a term which may extend to six months, and such imprisonment shall be in excess of any other imprisonment to which he may have been sentenced.

Confiscation of opium or poppy-heads.

19. (1) In any case in which an offence under rule 18 has been committed,—

- (a) the poppy, opium or poppy-heads in respect of which the offence has been committed,
- (b) where, in the case of an offence under clause (d) of the same rule, the offender is importing or exporting any opium or poppy-heads in contravention of the provisions of rule 3, the whole of

the opium or poppy-heads which he is importing or exporting,
and

- (c) where, in the case of an offence under clause (e) of the same rule, the offender has in his possession any opium or poppy-heads other than the opium or poppy-heads in respect of which the offence has been committed, the whole of such other opium or poppy-heads,

shall be liable to confiscation.

(2) The vessels, packages and coverings in which the opium or poppy-heads liable to confiscation under this rule is or are found, and the other contents (if any) of the vessels or packages in which such opium or poppy heads is or are concealed, and the animals and conveyances used in carrying such opium or poppy-heads, shall likewise be liable to confiscation.

(3) Any article liable, on the conviction of an offender, to confiscation under these rules may be confiscated by the order of a Magistrate, whether any conviction of an offence against these rules is obtained against any person in respect of such article or not.

(4) Where confiscation is authorized under these rules, the Magistrate ordering it may give the owner of the thing liable to be confiscated an option to pay, in lieu of confiscation, such fine as the Magistrate thinks fit.

(5) Where an offence against these rules has been committed, but the offender is not known or cannot be found, or where any opium or poppy-heads not in the possession of any person cannot be satisfactorily accounted for the case shall be enquired into and determined by a Magistrate, who may order confiscation :

Provided that no such order shall be made until the expiration of one month from the date of seizing the article or articles intended to be confiscated or without hearing the persons (if any) claiming any right thereto and the evidence (if any) adduced in support of their claims.

Offences by licensed druggists or their servants or agents. 20. Any licensed druggist, or servant or agent of such licensed druggist, who wilfully—

- (a) fails, on the demand of any officer of police or excise officer, to produce his, or his employer or principal's, license, or
- (b) commits any contravention of these rules not otherwise provided for, or
- (c) contravenes any of the terms or conditions of his, or his employer or principal's, license,

shall, on conviction before a Magistrate, be punishable with fine which may extend to one hundred rupees.

Offences by police officers and excise officers 21. Any officer of police or excise officer who—

- (a) without reasonable ground of suspicion enters or searches, or causes to be entered or searched, any place, or
- (b) vexatiously and unnecessarily seizes the moveable property of any person on the pretence of seizing or searching for any article liable to confiscation under these rules, or
- (c) vexatiously and unnecessarily detains, searches or arrests any person,

shall, on conviction before a Magistrate, be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees or with both.

22. Whoever attempts to commit any offence punishable under these rules shall, on conviction before a Magistrate, be liable to the same punishment as that provided for such offence.

23. (1) Where any person is accused of any offence punishable under rule 18, he shall, until the contrary is proved, be presumed to have committed an offence punishable under the said rule in respect of any opium or poppy-heads, or any utensil, implement or apparatus for the manufacture of opium, or any such materials as are ordinarily used for such manufacture, for the possession of which he is unable satisfactorily to account.

(2) Where any offence punishable under rule 18 or rule 20 has been committed by the servant or agent of any licensed druggist such licensed druggist shall, until he is proved to have exercised reasonable care and diligence to prevent the commission of such offence, be deemed to have abetted it within the meaning of Chapter V of the Indian Penal Code (Act XLV of 1860).

24. On and with effect from the day fixed by a notification issued under rule 1, sub-rule (2), and in the area to which such notification applies, the rules regarding the transit of opium by railway in His Highness the Nizam's dominions, published with the Resident's Notification No. 24, dated the 15th August 1892, shall cease to be in force.

[*Gazette of India*, 1903, Pt. I, p. 97.]

Hyderabad Residency
Bazars and Canton-
ments Arms Law,
1903.¹

No. 3630-I. B., dated the 31st July 1903.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in supersession of the notification of the Government of India in the Foreign Department, No. 2134-I. B., dated the 5th August, 1898, the Governor-General in Council is pleased to apply the Indian Arms Act, 1878 (XI of 1878), to the Hyderabad Residency Bazars, the Cantonment of Secunderabad and the Hyderabad Contingent Stations of Aurangabad and Bolarum, in the form hereinafter set forth.

Indian Arms Act, 1878, as applied to the Hyderabad Residency Bazars, etc.

I.—Preliminary.

1. This Law may be called the Hyderabad Residency Bazars and Cantonments Arms Law, 1903, and it extends

Short title and extent.

to the Hyderabad Residency Bazars, the Cantonment of Secunderabad and the Hyderabad Contingent stations of Aurangabad and Bolarum.

2. Nothing in this Law shall apply to the manufacture, conversion, sale

Savings.

import, export, transport, bearing or possession of arms, ammunition or military stores by order of the Government, or by a public servant or a volunteer enrolled under the Indian Volunteers Act, 1869, in the course of his duty as such public servant or volunteer.

3. In this Law, unless there is anything repugnant in the subject or context,—

Interpretation clause.

- (a) "cannon" includes all howitzers, mortars, wall-pieces, mitrailleuses and other ordnance and machine guns, all parts of the same and all carriages, platforms and appliances for mounting, transporting and serving the same :
- (b) "arms" includes fire-arms, bayonets, swords, daggers, spears, spear-heads and bows and arrows, also cannon and parts of arms, and machinery for manufacturing arms :
- (c) "ammunition" includes articles specially designed for torpedo service and submarine mining, rockets, gun-cotton, dynamite, lithofracteur and other explosive or fulminating material, gun-flint, gun-wads, percussion-caps, fuses and friction-tubes, all parts of ammunition and all machinery for manufacturing ammunition, but does not include lead, sulphur and saltpetre :

¹ For the law in force in the railway lands in the Administered Areas, see the Railway Rules, 1890, *supra* p. 274.

the expression "military stores" in any section of this Law mean any military stores to which the Governor General in Council may, by notification in the Hyderabad Residency Orders, specially extend such section, and includes—

- (i) sulphur, when possessed in quantities exceeding ten sers at any one time,
- (ii) leaden bird-shot and bullets when possessed in quantities exceeding one hundredweight at any one time, and
- (iii) lead, saltpetre and other material to which the Governor General in Council may so extend such section :
- (e) "license" means a license granted under this Law and "licensed" means holding such license : and
- (f) "Cantonment Magistrate" includes the Judicial Superintendent in the case of the Contingent Station of Aurangabad, and a Superintendent of Police vested with magisterial powers where no resident Magistrate has been appointed.

II.—Manufacture, Conversion and sale.

4. (1) No person shall manufacture, convert or sell, or keep, offer or expose for sale, any arms, ammunition or military stores, except under a license, and in the manner and to the extent permitted thereby.

(2) Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use, to any person who is not by any enactment for the time being in force prohibited from possessing the same ; but every person so selling arms or ammunition to any person other than a person entitled to possess the same by reason of an exemption under section 21 shall, without unnecessary delay, give to the Superintendent, Residency Bazars, or the Cantonment Magistrate, or the officer in charge of the nearest police station, notice of the sale and of the purchaser's name and address.

III.—Import, Export and Transport.

5. (1) No person shall bring or take into or out of the Hyderabad Residency Bazars, the Cantonment of Secunderabad, or the Contingent Station of Aurangabad or Bolaram, any arms, ammunition or military stores, except under a license, and in the manner and to the extent permitted thereby.

(2) Nothing in sub-section (1) extends to arms (other than cannon) or ammunition imported or exported in reasonable quantities for his own private use by any person lawfully entitled to possess arms or ammunition, either in British India or in the Residency Bazars, the Cantonment and Contingent Stations aforesaid ; but the Cantonment Magistrate or the Superintendent, Residency Bazars, as the case may be, may at any time detain such arms or ammunition until he receives the orders of the Resident thereon.

6. The Governor-General in Council may
 Transport. by notification in the Hyderabad Residency
 Orders,—

(a) regulate or prohibit the transport of any description of arms, ammunition or military stores over the whole of the Hyderabad Residency Bazars, the Cantonment of Secunderabad and the Contingent Stations of Aurangabad and Bolarum, or any part thereof, either altogether or except under a license and to the extent and in the manner permitted thereby ; and

(b) cancel any such notification.

7. (1) When any person is found carrying or conveying any arms, ammunition or military stores, whether
 Arrest and seizure. covered by a license or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same are being carried by him with intent to use them, or that the same may be used for any unlawful purpose, any person may, without warrant, apprehend him and take such arms, ammunition or military stores from him.

(2) Any person so apprehended, and any arms, ammunition or military stores so taken by a person not being a Magistrate or Police Officer, shall be delivered over as soon as possible to a Police Officer.

(3) All persons apprehended by, or delivered to a Police officer, and all arms, and ammunition seized by, or delivered to, any such officer under this section, shall be taken without unnecessary delay before a Magistrate.

IV.—Going armed and possessing arms, etc.

8. (1) No person shall go armed with any arms, except under a license
 Going armed. and to the extent and in the manner permitted thereby.

(2) Any person so going armed without a license or in contravention of its provisions may be disarmed by any Magistrate, Police officer or other person empowered by the Resident at Hyderabad in this behalf by name or virtue of his office.

9. After a date to be fixed in this behalf by the Resident at Hyderabad by notification in the Hyderabad Residency

Possession.

Orders,¹ no person shall have in his possession or under his control any cannon or fire-arms, or any ammunition or military stores, except under a license and to the extent and in the manner permitted thereby.

10. (1) Any person possessing arms, ammunition or military stores, the

Deposit at police station.

possession whereof by him has, in consequence of the cancellation or expiry of a license, become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest police station.

(2) If the owner of anything deposited under this section does not within three years from the date of deposit, apply for it and produce a license authorising him to possess it, it shall be forfeited.

V.—Licenses.

11. The Governor-General in Council may, by notification in the Hyderabad Residency Orders, make rules to deter-

Rules.

mine the officers by whom, the form in which, and the terms and conditions on and subject to which, any license shall be granted; and may by such rules, among other matters,—

- (a) fix the period for which such license shall continue in force;
- (b) fix a fee, payable by stamp or otherwise, in respect of any such license;
- (c) direct that the holder of any such license, other than a license for possession, shall keep a record or account, in such form as the Resident may prescribe, of anything done thereunder, and exhibit such record or account when called upon by an officer of the Government to do so;
- (d) empower any officer of the Government to enter and inspect any premises in which arms, ammunition or military stores are manufactured or kept by any person holding a license of the description referred to in section 4 or section 5;
- (e) direct that any such person shall exhibit the entire stock of arms, ammunition or military stores in his possession or under his control to any officer of the Government so empowered; and
- (f) require the person holding any license or acting under any license to produce the same, and to produce or account for the arms,

¹ The 1st January 1905 was so fixed, see notification No. 90, dated the 3rd October 1904. *Hyderabad Residency Orders*, 1904, Pt. I, p. 199.

ammunition or military stores covered thereby when called upon by an officer of the Government so to do.

Cancellation and suspension of licenses. 12. Any license may be cancelled or suspended—

- (a) by the officer by whom it was granted, or by any authority to which he may be subordinate, or by the Superintendent, Residency Bazars, or the Cantonment Magistrate, as the case may be within the local limits of whose jurisdiction the holder may be, when, for reasons to be recorded in writing, such officer or authority deems it necessary for the security of the public peace to cancel or suspend such license; or
- (b) by any Judge or Magistrate before whom the holder is convicted of an offence against this law or the rules thereunder; and the Resident may, by notification in the Hyderabad Residency Orders, cancel or suspend wholly or partially, any license or all licenses granted under this Law.

VI.—Penalties

11. For breaches of sections 4, 5, 6, 8 to

13. Whoever—

- (a) manufactures, converts or sells, or keeps, offers or exposes for sale, any arms, ammunition or military stores in contravention of the provisions of section 4;
- (b) fails to give notice as required by section 4;
- (c) imports or exports any arms, ammunition or military stores in contravention of the provisions of section 5;
- (d) transports any arms, ammunition or military stores in contravention of a regulation or prohibition issued under section 6;
- (e) goes armed in contravention of the provisions of section 8;
- (f) has in his possession or under his control any cannon, fire-arms, ammunition or military stores in contravention of the provisions of section 9;
- (g) intentionally makes any false entry in a record or account which by a rule made under section 11, clause (c), he is required to keep;
- (h) intentionally fails to exhibit anything which, by a rule made under section 11, clause (e), he is required to exhibit; or
- (i) fails to deposit arms, ammunition or military stores as required by section 9 or section 10,

shall be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

14. Whoever does any act mentioned in clause (a), (c), (d) or (f) of section 13 in such manner as to indicate an intention that such act may not be known to any public servant, or to any person employed upon a railway, or to the servant of any public carrier, and whoever on any search being made under section 19, conceals or attempts to conceal any arms, ammunition or military stores, shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

15. Whoever, in violation of a condition subject to which a license has been granted, does or omits to do any act shall, when the doing or omitting to do such act is not punishable under section 13 or section 14, be punishable with imprisonment for which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

16. Whoever knowingly purchases any arms, ammunition or military stores from any person not licensed or authorised under section 4, sub-section (2) to sell the same, or delivers any arms, ammunition or military stores into the possession of any person without previously ascertaining that such person is legally authorised to possess the same, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

17. Any person violating any rule made under this Law, for the violation of which no penalty is otherwise provided, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

18. When any person is convicted of an offence punishable under this Law committed by him in respect of any arms, ammunition or military stores, the convicting court or Magistrate may further direct that the whole or any portion of such arms, ammunition or military stores, and any vessel, cart or baggage-animal used to convey the same, and any box, package, or bale in which the same may have been concealed, together with the other contents of such box, package or bale, shall be confiscated.

VII—Miscellaneous.

19. (1) Whenever any Magistrate has reason to believe that any person residing within the local limits of his jurisdiction has in his possession any arms, ammunition or military stores for any unlawful purpose, or that such person cannot be left in the possession of any such arms, ammunition or

military stores without danger to the public peace, he may, after recording the ground of his belief, cause a search to be made of the house or premises occupied by such person or in which he has reason to believe such arms ammunition or military stores to be, and seize and detain the same, although covered by a license, in safe custody for such time as he thinks necessary

(2) The search in such case shall be conducted by, or in the presence of a Magistrate, or by, or in the presence of, some officer specially empowered in this behalf by the Resident.

20. The Resident may order or cause to be seized any arms, ammunition or military stores in the possession of any person, although licensed to possess the same and may detain the same for such time as he thinks necessary.

Detention by Resident.

Power to exempt.

21. The Governor General in Council may, by notification in the Hyderabad Residency Orders,—

- (a) exempt any person by name or in virtue of his office, or any class of persons, or exclude any description of arms or ammunition, withdraw any local area, from the operation of any prohibition or direction contained in this Law; and
- (b) cancel any such modification, and again subject the persons or things or local area to the operation of such prohibition or direction.

22 Every person aware of the commission of any offence against this Law shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, give information of the same to the nearest Magistrate or Police Officer, and every person employed upon any railway or by any public carrier shall, in the absence of reasonable excuse, the burden of proving which shall lie upon him, give information to the nearest Police officer regarding any box, package or bale in transit which he has reason to suspect contains arms, ammunition or military stores in respect of which an offence against this Law has been or is being committed.

23. No proceedings in respect of an offence punishable under section 13, clause (f), shall be instituted without the previous sanction of the First Assistant Resident.

Sanction to proceedings under section 13, clause (f).

24. Where a search is to be made under the Code of Criminal Procedure, 1898, in the course of any proceedings instituted in respect of an offence punishable under section 13, clause (f), such search

Conduct of searches.

shall, notwithstanding anything contained in the said Code, be made in the presence of some officer specially appointed in this behalf by the Resident

25. (1) The Resident may, by notification in the Hyderabad Residency Orders, direct a census to be taken of all fire-arms in any local area, and empower any person to take such census.

Census of fire-arms.

(2) On the issue of a notification under sub-section (1), all persons possessing any such arms in such local area shall furnish to the person so empowered such information as he may require in reference thereto, and shall produce such arms to him if he so requires.

(3) Whoever refuses or neglects to produce any such arms when so required, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

26. No proceeding other than a suit shall be commenced against any person for anything done in pursuance of this Law without having given him at least one month's previous notice in writing of the intended proceedings and of the cause thereof, nor after the expiration of three months from the accrual of such cause.

Notice and limitation of proceedings.

[*Gazette of India*, 1903, Pt. I, p 625.]

No. 534-I B., dated the 4th February 1904 — In exercise in the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to make the following rules to regulate the admission to practise and the practice of Legal Practitioners in the Court of the Resident at Hyderabad, and in Courts subordinate to that Court in the Hyderabad Residency Bazars, the Cantonment of Secunderabad (inclusive of the area hitherto known as the "Contingent Station" of Bolaram) the Cantonment (hitherto known as the "Contingent Station") of Aurangabad, and the railway lands in the territories of His Highness the Nizam of Hyderabad (other than the railway lands in Bejar and those referred to in the ¹ notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November 1891, and No. 3244-I.B., dated the 26th August 1897) :—

Hyderabad Residency
Legal Practitioners
Rules, 1904

CHAPTER I.—PRELIMINARY.

Short title, commencement and extent.

1. (1) These rules may be called the Hyderabad Residency Legal Practitioners Rules, 1904 ; and

¹ See now notification No. 778-I. B., dated the 9th April 1913. Printed Vol. V, p. 35.

(2) They shall come into force at once.

(3) They extend to the Hyderabad Residency Bazars, the Cantonment of Secunderabad (inclusive of the area hitherto known as the "Contingent Station" of Bolarum), the Cantonment (hitherto known as the "Contingent Station") of Aurangabad, and the railway lands in the territories of His Highness the Nizam of Hyderabad (other than the railway lands in Berar and those referred to in the ¹ notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November 1891, and No. 3244-I.B., dated the 26th August 1897).

Definitions

2. In these rules, unless there is anything repugnant in the subject or context,—

- (a) "advocate" means any person admitted as an advocate under Chapter III ;
- (b) "pleader" means any person holding a certificate as a pleader granted under Chapter IV ;
- (c) "Resident" means the Resident at Hyderabad ;
- (d) "subordinate Court" means any Court, subordinate, or hereafter declared by the Governor General in Council to be, for the purposes of these rules, subordinate to the Resident ; and
- (e) "tout" means any person who procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such practitioner, or proposes to any legal practitioner to procure his employment in any legal business in consideration of such remuneration.

CHAPTER II.—GENERAL PROVISIONS.

XIV of 1882,
V of 1898.

3. Except as provided in the ² Code of Civil Procedure or the Code of Criminal Procedure, 1898, as applied, or in any other law for the time being in force

Authority to practise

no person shall appear, plead, or act for any other person in the Court of the Resident or in any subordinate Court unless he is an advocate or pleader authorized so to do under these rules :

24 and 25 V et, c.
104.

Provided that any person who is entered as an advocate, vakil, or attorney on the roll of any High Court established under the Indian High Courts Act, 1861, or as an advocate on the roll of the Chief Court of the Punjab or of the Court of the Judicial Commissioner of the Central Provinces, and who ordinarily practises in such Court or in some Court subordinate

¹ See the footnote on the previous page.

² See now the Code of Civil Procedure, 1903, as applied. *Supra* p. 227.

thereto, shall be entitled to appear, plead, and act in the Court of the Resident or in any subordinate Court without being admitted as an advocate or granted a certificate as a pleader under these rules.

CHAPTER III.—ADVOCATES.

4. Any person who has been admitted as a barrister in England or Ireland or as a member of the Faculty of Advocates in Scotland, may, in the discretion of the Resident, be admitted as an advocate of the Court of the Resident.

Persons eligible for admission as advocates
5. Every person desirous of being admitted as an advocate under this chapter shall, before being so admitted, submit an application as hereinafter provided and produce therewith a certificate showing that he has been admitted as barrister in England or Ireland, or as a member of the Faculty of Advocates in Scotland, together with satisfactory certificates of good moral character and ability.

Certificates required.
6. Every application for admission as an advocate under this chapter shall be in the form of a letter addressed, to the Resident stating the date on which and if the applicant is a barrister, the Inn by which the applicant was called to the Bar, and that it is his intention to practise within the jurisdiction of the Court of the Resident.

7. (1) The Resident may, in his discretion, grant or refuse an application submitted under this chapter, and his order thereon shall be final.

Admission discretionary.
(2) If the application is refused, the Resident shall not be bound to specify his reasons for such refusal.

(3) If the application is granted, the Resident will give the applicant on his supplying a stamp of the value of three hundred rupees, a certificate of admission under his signature and the seal of the Court, and enrol his name in his Court's Register of Advocates.

8. Every person admitted as an advocate under this chapter shall be entitled to practise in any subordinate Court as well as in the Court of the Resident.

Practice.

CHAPTER IV.—CERTIFICATES OF PLEADERS.

The following persons may, if the Resident thinks fit, be admitted as pleader and granted certificates in the form set forth in the schedule :—

Admission of Pleaders.

- (a) Any person who holds a certificate in Form I or Form II granted under the Hyderabad Assigned Districts Legal Practitioners Rules, 1899 ;
- (b) Any vakil or attorney of any of the High Courts of Judicature in British India, or of the Chief Court of the Punjab, or of the Court of the Judicial Commissioner of the Central Provinces ;
- (c) Any person who has obtained the degree of Master of Laws or Bachelor of Laws in any British or Indian University, and who produces a certificate of respectability and of good moral conduct ;
- (d) Any person who has passed the examination prescribed by the High Court of Bombay for pleaders of the High Court, or by the High Court of Madras, or by the Judicial Commissioner of the Central Provinces for pleaders of the first grade and who produces a certificate of respectability and of good moral conduct ;
- ²(e) Any retired Judicial Officer who has passed the Departmental Examinations by the Higher Standard.
10. Original certificates shall be valid till the thirty-first day of December following the date of their issue, but the holders shall, on application and delivery of their original certificates to the Resident for cancellation receive renewed certificates.
11. Renewed certificates shall be valid till the thirty-first day of December following the date of their issue, but the holders shall, on application and delivery of their expired certificates to the Resident for cancellation, receive from year to year renewed certificates.
12. The Resident shall cause to be published every year in the *Hyderabad Residency Orders* a list of persons whose certificates are valid for the current year.
13. Every certificate in Form A appended to the rules, whether original or renewed, shall be written upon stamped paper of the value of fifty rupees to be provided by the applicant :
- Stamp-paper.
- Provided that in the case of original certificates or certificates renewed under rule 10, which are issued for a portion only of the year, the fees shall be proportionately reduced, but that no reduction shall be made for a fraction of a quarter.

² Added by notification No. 4400-I B., dated the 9th December 1904 *Gazette of India*, 1904, Pt. I, p. 917.

CHAPTER V.—SUSPENSION FROM PRACTICE AND CANCELLATION OF CERTIFICATES.

14. The Resident may suspend from practice, or cancel the certificate of any advocate or pleader who is convicted of any offence implying a defect of character unfitting him to be an advocate or pleader ; and may likewise suspend from practice or cancel the certificate of any advocate or pleader —

Suspension from practice or cancellation of certificates by Resident

- (a) who takes instructions in any case, except from the party on whose behalf he is retained, or some person who is the recognized agent of such party within the meaning of the ¹ Code of Civil Procedure, or some servant, relative, or friend, authorized by the party to give such instructions ; or
- (b) who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty ; or
- (c) who tenders, gives, or consents to the retention, out of any fee paid or payable to him for his services, of any gratification for procuring, or having procured, the employment in legal business of himself or any other advocate or pleader ; or
- (d) who directly or indirectly procures, or attempts to procure, the employment of himself as such advocate or pleader through or by the intervention of any person to whom any remuneration for obtaining such employment has been given by him, or agreed or promised to be so given , or
- (e) who accepts any employment in any legal business through the intervention of a person who has been proclaimed as a tout under rule 27 ; or
- (f) for any other reasonable cause.

XIV of 1892

15 (1) If the presiding officer of any subordinate Court has reason to believe that any advocate or pleader practising before him has been guilty of fraudulent or unprofessional conduct, he shall reduce to writing in a concise form the grounds for his belief, and forward a copy of the same to the advocate or pleader, together with a notice that on a day therein appointed, not being less than twenty days from the date of despatch of the said copy, the matter will be taken into consideration.

Suspension from practice or cancellation of certificates at instance of subordinate Courts

(2) On such day, or on any subsequent day to which the inquiry may be adjourned, the presiding officer shall receive and record all evidence properly

¹See now the Code of Civil Procedure, 1908 (Act V of 1908), as applied. *Supra*, p 227.

produced in support of, and opposition to, the charge, and shall record his finding in the case.

16. (1) If the presiding officer finds the charge established, and considers that the advocate or pleader should be suspended in consequence, or that his certificate should be cancelled, he shall forward the proceedings in the case and his finding for the orders of the Resident.

Report by subordinate Court to Resident

(2) Every report made under sub-section (1)—

(a) by any Civil Judge, or any District Magistrate, shall be made through the First Assistant Resident;

(b) by any subordinate Magistrate, shall be made through the District Magistrate and the First Assistant Resident.

(3) Each officer through whom such report as aforesaid is forwarded shall record his opinion on the case for the information of the Resident.

17. The Resident may call for the record of any proceedings taken under rule 15, and pass such orders thereon as he may think fit.

Order by Resident

18 Any advocate or pleader who has been suspended from practice, or whose certificate has been cancelled under this chapter, shall forthwith deliver up his certificate to such Court as the Resident may direct.

Surrender of certificate

CHAPTER VI.—REMUNERATION OF ADVOCATES AND PLEADER.

¹ 19. Save by special leave of the Court, and except in the case of an

Limitation of fees

Advocate or Pleader appearing on behalf of Government no fee shall in any case be

entered as recoverable in a decree or order except on production of a certificate from the Advocate or Pleader that he has received such fee.

19A. In the taxation of costs as between the parties in any suit or proceeding in the court of the Resident or in any subordinate court, the sums allowed against the unsuccessful party in respect of the fees of his adversary's Advocate or Pleader shall be calculated in accordance with the provisions contained in the following rules :—

19B. (1) In suits or in appeals from original or appellate decrees in suits for money, effects or other personal property or for land or other immoveable property of any description, fees shall be payable on the following scale, namely :—

(a) When such suits or appeals are decided on the merits after contest

¹ Rules 19 to 19N were substituted for the original rule 19 by notification No. 436-I B, dated the 2nd February 1906 *Gazette of India*, 1906, Pt. I, p 72

or are compromised subsequent to the settlement of issues and after a partial or complete trial but before delivery of judgment, or where such appeals are decided *ex-parte*,

- (i) if the amount or value of the claim shall not exceed Rs. 5,000, 5 per cent. provided that in no case shall the fee payable be less than five rupees ;
- (ii) if the amount or value shall exceed Rs. 5,000 and shall not exceed Rs. 20,000 on Rs. 5,000 as above, and on the remainder, 2 per cent ,
- (iii) if the amount or value shall exceed Rs. 20,000 and shall not exceed Rs. 50,000 on Rs. 20,000 as above, and on the remainder 1 per cent ;
- (iv) if the amount or value shall exceed Rs. 50,000 and shall not exceed Rs. 80,000 on Rs. 50,000 as above, and the remainder $\frac{1}{2}$ per cent. ;
- (v) if the amount or value shall exceed Rs. 80,000, Rs. 1,000.

(b) When such suits are decided *ex-parte* or when such suits or appeal are decided on confession of judgment or are dismissed for default after all the requisite pleadings have been filed, or are compromised after the settlement of issues but before trial,

- (i) if the amount or value of the claim shall not exceed Rs. 5000 not exceeding $2\frac{1}{2}$ per cent. provided that in no case shall the fee payable be less than five rupees ;
- (ii) if the amount or value shall exceed Rs. 5,000 and shall not exceed Rs. 20,000 on Rs. 5,000 as above and on the remainder not exceeding 1 per cent.;
- (iii) if the amount or value shall exceed Rs. 20,000 and shall not exceed Rs. 50,000 on Rs. 20,000 as above and on the remainder not exceeding $\frac{1}{2}$ per cent.;
- (iv) if the amount or value shall exceed Rs. 50,000 and shall not exceed Rs. 80,000 on Rs. 20,000 as above and on the remainder, not exceeding $\frac{1}{4}$ per cent ;
- (v) if the amount or value shall exceed Rs. 80,000, not exceeding Rs. 500.

19C. In suits on appeals withdrawn or compromised (a) before any defence is put in (b) before the settlement of issues but after defence is put in, or dismissed for default without a determination on the merits of the case before all the requisite pleadings have been filed in court, and in appeals from orders, rehearing on review, and other miscellaneous cases including proceedings in execution of decrees, fees shall be payable on the following scale, namely :—

- (i) if the amount or value of the claim shall not exceed Rs. 5,000

- $1\frac{1}{4}$ per cent; provided that the fee shall not be less than five rupees in any case other than a proceeding in execution;
- (ii) if the amount or value shall exceed Rs. 5000 and shall not exceed Rs 20,000 on Rs. 5,000 as above and on the remainder, $\frac{1}{2}$ per cent;
 - (iii) if the amount or value shall exceed Rs 20,000 and shall not exceed Rs 50,000 on Rs. 20,000 as above and on the remainder, $\frac{1}{4}$ per cent;
 - (iv) if the amount or value shall exceed Rs 50,000 and shall not exceed Rs. 80,000 on Rs. 50,000 as above and on the remainder, $\frac{1}{8}$ per cent,
 - (v) if the amount or value shall exceed Rs. 80,000, Rs. 250;
 - (vi) in applications for execution of decrees, the fees shall be calculated on the amount realised by the application

19D. In all miscellaneous applications after decree which are decided on the merits after contest, except such as have been hereinbefore specially provided for, a reasonable fee not in any case exceeding Rs. 20 in the court of the Resident or Rs 10 in a court subordinate thereto shall be allowed.

19E. The words "the amount or value of the claim" in rules 19 and 19C mean the value as set forth in the plaint or memorandum of appeal and where court fees are payable *ad valorem* the value on which such court fees are paid.

19F. Fractions of a rupee in the amount or value of a claim shall be omitted in calculating the fee payable thereon

19G. In cases in which the subject matter of the claim does not admit of valuation, the court shall fix a reasonable fee not less than five rupees, regard being had to the time occupied in the preparation and hearing of the case and the nature of the questions raised therein.

19H. If several defendants or respondents who have a joint or common interest, succeed upon a joint defence or upon separate defences substantially the same, not more than one fee shall be allowed, unless the court shall otherwise order for a reason which shall be recorded in the judgment. If only one fee be allowed, the court shall direct to which of the defendants or respondents it shall be paid or shall apportion it among the several defendants or respondents in such manner as the court shall think fit.

19I. If several defendants or respondents who have separate interests set up separate and distinct defences and succeed thereon, a fee for one legal practitioner for each of the defendants or respondents who shall appear by a separate legal practitioner may be allowed in respect of his separate

interest such fee, if allowed, shall be calculated with reference to the value of the separate interest of such defendant or respondent in the manner hereinbefore prescribed.

19J For each fee allowed under the two last preceding sections the value of the stamp on one vakalatnama only shall be awarded as costs.

19K Except where an adjournment is made with the consent of all parties or where from insufficiency of notice, a party has not had reasonable time to prepare himself for trial, or where the adjournment is necessitated by a cause beyond the control of the party an adjournment should not be granted save on the condition that the party applying pays all the costs of the day including a reasonable fee not exceeding Rs 10 to the legal practitioner engaged by his adversary

19L The fee allowed on the percentage scale for prosecuting or defending a suit is intended to cover all proceedings up to decree, and where a suit is remitted for rehearing and disposal or for a finding on issues, the proceedings on such order must be regarded as a further proceeding in the trial of the suit and no further fee can be allowed in respect of such proceedings.

Small Cause Courts

19M In suits under the ¹Hyderabad Residency Small Cause Courts Law, 1904, where costs are awarded by the Court, the fees payable in respect of an adversary's advocate or pleader shall be as follows:—

(a) In suits not exceeding Rs 100 in value Rs 5.

(b) In suits exceeding Rs. 100 in value Rs. 5 on Rs 100 and Rs. 3 on every hundred rupees or part thereof in excess of Rs. 100.

19N. Where an advocate or pleader is employed merely to obtain execution of a decree one rupee shall be allowed as costs for that purpose in claims below Rs. 100 and one rupee for every hundred rupees or part thereof in claims above that amount. No fee shall be allowed in case of a second or further application to obtain execution of the same decree.

20. Where a suit is brought to enforce an agreement between an advocate or pleader and his client with regard to the amount or manner of payment for the whole or any part of any services rendered, charges incurred or disbursements made in connection with legal business transacted by such advocate or pleader, the Court may, if it is of opinion that the agreement is not fair and reasonable, reduce the amount payable under it, or order the agreement to be cancelled, and the costs, charges, and disbursements aforesaid to be ascertained in the same manner as if no such agreement had been made.

¹ Superseded now by Act IX of 1887 as applied by notification No 582-I, B, dated the 22nd March 1913. Printed *supra*, p 227.

21. An agreement between an advocate or pleader and his client shall bar any further claim on the part of the advocate or pleader beyond the terms of the agreement with respect to any services, fees, charges, or disbursements in connection with the conduct and completion of legal business in respect of which the agreement has been made, except such services, fees, charges, or disbursements (if any) as have been expressly excepted by the agreement.

22. Any provision in an agreement between an advocate or pleader and his client to the effect that the advocate or pleader shall not be liable for negligence or that he shall be relieved from any responsibility to which he would otherwise be subject as such advocate or pleader shall be void.

CHAPTER VII.—PENALTIES.

23. If any person attempts to practise in the Court of the Resident or in any subordinate Court in contravention of these rules, the Court shall refuse to hear him, and he shall be incapable of maintaining any suit for, or enforcing any lien with respect to, any fee or reward for, or with respect to, anything done or any disbursement made by him as an advocate or pleader while contravening these rules.

24. Whoever, being an advocate or pleader, fails to deliver up his certificate as required by rule 18 shall be liable by order of the Court to which the delivery should have been made to a fine not exceeding two hundred rupees, and in default of payment, to simple imprisonment for a term not exceeding three months.

25. Every advocate or pleader who has been suspended from practice, or whose certificate has been cancelled under these rules, and who practises during such suspension or after such cancellation, shall be deemed to have committed an offence under section 228 of the Indian Penal Code as applied.

26. Every order made under rules 23, 24 or 25 shall be subject to revision by the Resident.

27. (1) The Resident, the Sessions Judge, and any District Magistrate (each as regards as his own Court and the Courts subordinate thereto) may frame and publish lists of persons proved to his satisfaction, by evidence of general repute or otherwise, habitually to act as touts and may from time to time alter or amend such list.

(2) No person's name shall be included in any such list until he has had an opportunity of showing cause against such inclusion

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

(5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout within the meaning of rule 14, clause (e).

28. The notification of the Government of India in the Foreign Department, No. 1315-I. B, dated the 19th May 1899, is hereby rescinded so far as the areas mentioned above are concerned.

Provided that—

(a) every advocate admitted under the rules contained in the notification so rescinded and borne on the roll of the Court of the Judicial Commissioner of Berar at the commencement of these rules shall be deemed to have been admitted under these rules ; and

(b) every pleader's certificate granted under the said rules and in force at the commencement of these rules shall be deemed to have been granted under these rules

SCHEDULE.

FORM OF CERTIFICATE.

(See rule 9)

In the Court of the Resident at Hyderabad.

Dated 190 .

To

In pursuance of the Hyderabad Residency Legal Practitioners Rules, 1904, you, , are hereby authorized to practise as a pleader in the court of the Resident at Hyderabad, and in all courts subordinate to that court.

This certificate is subject to renewal as provided by the said rules.

[*Gazette of India*, 1904, Pt. I, p. 120.]

Secunderabad Cantonment and Residency Bazars Motor Vehicles Law, 1906

No. 4871-I B, dated the 7th December 1906 —Whereas it is expedient to regulate the use of motor-vehicles in the Cantonment of Secunderabad and the Hyderabad Residency Bazars, the Governor-General in Council, in exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, is pleased to make the following law :—

Short title.

1. (1) This Law may be called the Secunderabad Cantonment and the Residency Bazars Motor-vehicles Law, 1906.

Extent

(2). It shall extend to the Cantonment of Secunderabad, inclusive of the area hitherto known as the Contingent Station of Bolarum, and to the Hyderabad Residency Bazars.

Commencement

(3) It shall come into force on the 15th January 1907.

Definitions

2. (1) "Motor-vehicle" shall include all vehicles propelled by mechanical means on ordinary roads, other than such vehicles or classes of vehicle as the Resident at Hyderabad may, by notification published in *Hyderabad Residency Orders*, exempt

(2) "Resident" shall mean the Resident at Hyderabad for the time being.

(3) "Registering Authority" shall mean the Cantonment Magistrate of Secunderabad and the Superintendent of the Hyderabad Residency Bazars, or such other officer or officers as the Resident may appoint either by name or by virtue of their office in this behalf.

Reckless driving

3. Whoever drives a motor-vehicle recklessly or negligently or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition, and use of the road and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the road, may on conviction be punished with fine which may extend to one hundred rupees or, in the case of a second or subsequent conviction, to double the amount of fine.

Duty to stop in case of accident.

4. (1) Where any accident occurs to any person, whether on foot, on horseback, or in a vehicle, or to any horse or vehicle in charge of any person, or to any property, owing to the presence of a motor-vehicle on the road, whoever is in charge of such motor-vehicle shall stop and, if required, give his name and address and also the name and address of the owner of such motor-vehicle.

(2) Any voluntary breach of sub-section (1) may on conviction be punished with fine which may extend to one hundred rupees or in the case of

a second or subsequent conviction to double the amount of fine. This punishment will be in addition to any other punishment to which such person may be liable under any other section of this Law or of any other law for the time being in force.

5 (1) Whoever drives a motor-vehicle without a license granted for the purpose under sub-section (2) or under any enactment other than this law in force for the time being in any part of British India or in the Hyderabad State or employs to drive a motor-vehicle any person who is not licensed may on conviction be punished with fine which may extend to fifty rupees or in the case of a second or subsequent conviction to double the amount of fine.

(2) A license to drive a motor-vehicle shall in the places to which this Law applies be granted by the Registering Authority to any person over the age of eighteen years applying for it who is not physically disqualified or disqualified under section 9, and who has satisfied the Registering Authority that he has gained efficiency in driving a motor-vehicle, on payment of a fee of two rupees and the decision of the Registering Authority on this point shall be final.

(3) The Registering Authority shall from time to time, and in each case within a month of the time when such fees are collected, pay to the credit of the Cantonment Fund in the Cantonment of Secunderabad or to the credit of the Residency Bazar Fund in the Hyderabad Residency Bazars as the case may be, the amount of the fees received by him for licenses granted by him under sub-section (2).

6. (1) Every license shall remain in force for a period of twelve months from the 1st January of each year, but shall be renewable and the same provisions shall apply to the renewal of the license as apply to the grant thereof.

(2) The year of registration shall commence on the 1st day of January of each year and every registration made on any date within such year of registration shall be in force to the end thereof and no longer.

7. The driver of a motor-vehicle shall produce his license upon demand by any Police officer above the rank of constable.

Production of license.

8. The holder of a license shall not lend it to, nor allow it to be used by, any other person.

License not transferable.

9. (1) Any Court by which any person is convicted of an offence under this Law, or of any offence in connection with the driving of a motor-vehicle,
 Suspension and disqualification.

(a) where the person convicted holds a license to drive a motor-vehicle granted under section 5, sub-section (2), or under any enactment other than this law in force for the time being in any part of British India or in the Hyderabad State,

(i) may suspend such license for such time as it thinks fit and may also declare such person disqualified for obtaining a license for such further time after the expiration thereof as the Court thinks fit, and

(ii) shall cause particulars of the conviction and of any order of the Court made under this clause to be endorsed upon such license and shall also cause a copy of these particulars to be sent to the authority by which such license has been granted, and,

(b) where the person convicted does not hold such a license, may declare him disqualified for obtaining a license for such time as the Court thinks fit.

(2) Any person so convicted shall, if he holds such a license, produce it for endorsement within such period as the Court thinks fit to direct.
 Production of license for endorsement.

(3) A license suspended under sub-clause (i) of clause (a) of sub-section (1) shall during the period of suspension be of no effect and a person whose license is so suspended, or who is declared, under sub-clause (i) of clause (a) or under clause (b), of sub-section (1), to be disqualified for obtaining a license, shall during the period of suspension or disqualification be disqualified for obtaining a license.
 Effect of order under sub-section (1).

(4) No person who is disqualified for obtaining a license, shall apply for, or obtain a license, and no person whose license has been endorsed shall apply for, or obtain, a license without giving particulars of the endorsement; and any license held by a person who is so disqualified shall during the period of disqualification be of no effect.
 Application by disqualified person.

10. (1) The Resident may, by notification published in the *Hyderabad Residency Orders*, prohibit within any area or along any road specified in such notification the letting or plying for hire of any motor vehicle, except under a permit granted by the Resident or by such officer, if
 Power of Resident to prohibit letting or plying for hire except under permit.

any, as he may appoint in this behalf, subject to such general or special conditions as the Resident or such officer may see fit to prescribe.

(2) The grant of any such permit shall be at the absolute discretion of the Resident or of such officer, subject to the control of the Resident

Provided that the grant of a permit under sub-section (1) shall not in any way hinder or restrict the grant of another permit to any other person.

11. (1) The Resident may from time to time make rules for the regulation and control of motor-vehicles within

Power of Resident to make rules. the limits to which this law is made applicable or make from time to time such alterations in the rules as he from time to time may deem expedient.

(2) Every rule made under this section shall when published by the Resident in such manner as he may from time to time prescribe, have the force of law.

12. In particular and without prejudice to the generality of the foregoing

What rules may provide for. powers the Resident may make rules under the foregoing section containing directions

as to all or any of the following matters, *namely* :—

- (a) the speed at which motor-vehicles may be driven,
- (b) prescribing the form of application under section 5, sub-section (2) and the form of license to be granted under that sub-section.
- (c) the displaying of numbers or names on motor-vehicles and the registration thereof
- (d) prohibiting the driving of motor-vehicles on footways, roads, streets, or other places where their use may be attended with danger to the public, or regulating the hours within which motor-vehicles may be driven, or the hours within which no vehicle other than a motor-vehicle may be driven on any such footway, road, street, or other place,
- (e) the carrying and use of a horn, bell, or other instrument on motor-vehicles for giving audible and sufficient warning of the approach or position,
- (f) the carrying of lights on motor-vehicles between sunset and sunrise and the description of such lights and the position in which they should be placed,
- (g) the stoppage of motor-vehicles when required by the police for the regulation of traffic or for other reasonable purpose, and,
- (h) generally the prevention of danger or injury to persons, animals, vehicles, or property and the prevention of obstruction to traffic.

13. The Superintendent of the Hyderabad Residency Bazars and the
 Local Authorities to post notices. Secunderabad Cantonment Authority within
 their respective areas :—

- (a) shall for the purpose of giving effect to any rule of local application made under section 12, clause (a) or (d) post notices in conspicuous places on or near the footway, road, street, or in or near the place to which such rule refers, and
- (b) may erect sign-posts denoting dangerous corners, cross-roads, and precipitous places where sign-posts appear to them to be necessary.

14. Any breach of section 7 or section 8 or sub-section (2) or (4) of
 Breach of section or rule. section 9 or of any rule made under section
 11 may on conviction be punished with fine
 which may extend to fifty rupees or in the case of a second or subsequent
 conviction to double the amount.

15. (1) Any police officer may, without an order from a magistrate and
 Arrest of offender without warrant. without a warrant, arrest any person committing
 in his view a breach of section 7, of
 section 8, or sub-section (2) or (4) of section 9, or of any rule made under
 11, if the name and residence of such person be unknown to such officer and
 cannot be ascertained by him then and there.

(2) When any such arrest has been made, the provisions of section 57,
 sub-sections (2) and (3), and sections 60 to 63 of the Code of Criminal Procedure, 1898, shall apply.

16. Any breach of any prohibition made, or of any condition of any
 Breach of prohibition made, or condition of permit granted under section 10, (1) may on conviction be punished with fine
 which may extend to two hundred and fifty
 rupees or in the case of a second or subsequent
 conviction to five hundred rupees.

17. Offences under this Law shall be triable by the District Magistrate
 or by any Magistrate of the first Class
 Offences by whom triable. within whose jurisdiction any such offence
 may have been committed

18. Nothing in this Law shall affect any liability whatever, whether
 Saving of liability. civil or criminal, of the driver or owner of a
 motor-vehicle arising from any other enactment or otherwise

[*Gazette of India*, 1906, Pt. I, p. 389.]

No. 2588-I.B., dated the 22nd November 1911.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following law to regulate the import, transport, sale and possession of morphia, coca, cocaine and cocaine substitutes in the areas in the Hyderabad State in which the Governor General in Council exercises jurisdiction through the Resident at Hyderabad.

Short title.

1. This law may be called the Hyderabad Intoxicating Drugs Law, 1911.

Definitions.

2. In this law—

- (a) "Coca" means the dried or green leaves of the coca plant (*Erythroxylon coca*), and includes the plant itself.
- Coca.
- (b) "Cocaine" means the alkaloid obtained from the coca plant, and includes all preparations and admixtures thereof.
- Cocaine.
- (c) "Cocaine substitutes" means all such synthetic preparations as have a physiological action similar to that of cocaine.
- Cocaine substitutes.
- (d) "Intoxicating drugs" means morphia, coca, cocaine and cocaine substitutes.
- Intoxicating drugs
- (e) "Licensed druggist" means a person who deals in European medicines and drugs as a means of livelihood and has been licensed with the approval of the local medical authority to sell morphia, preparations thereof, cocaine or cocaine substitutes, or any of them.
- Licensed druggist.
- (f) "Medical practitioner" means a graduate in medicine of a recognized University in India, Europe or America, a medical practitioner eligible for registration on the Medical Register published under the sanction of the General Council of Medical Education and Registration of the United Kingdom, a medical subordinate in Government employment, including a Sub-Assistant Surgeon, a duly qualified dentist entitled to be entered in the Dentists' Section of the Medical Register aforesaid, and any medical officer in private employment not included in the above list whom the Resident, or such other officer as he may appoint in this behalf, may direct to be admitted to the privileges of a medical practitioner for the purpose of these rules.
- Medical practitioner.

(g) "Morphia" means the alkaloid of opium known as morphia or morphine, and includes all preparations or admixtures of the same.

Morphia

Prohibition of import and transport of coca.

3. No coca shall be imported or transported.

4. No morphia, cocaine or cocaine substitutes shall be imported except by licensed druggists and medical practitioners under a pass granted in that behalf.

4. No morphia, cocaine or cocaine substitutes shall be imported except by licensed druggists and medical practitioners under a pass granted in that behalf.

5. No morphia, cocaine or cocaine substitutes in excess of the quantity the possession of which is authorized under this law shall be transported except by licensed druggists and medical practitioner under a pass granted in that behalf.

5. No morphia, cocaine or cocaine substitutes in excess of the quantity the possession of which is authorized under this law shall be transported except by licensed druggists and medical practitioner under a pass granted in that behalf.

Prohibition of sale of coca

6. No coca shall be sold

Prohibition of sale of morphia, cocaine or cocaine substitutes

7. No morphia, cocaine or cocaine substitutes shall be sold except by a licensed druggist or medical practitioner.

Conditions under which licensed druggist or medical practitioner may sell morphia, cocaine or cocaine substitutes.

8. A licensed druggist or medical practitioner may sell morphia, cocaine or cocaine substitutes—

- (a) to any other licensed druggist or medical practitioner in quantities not exceeding those which the latter is entitled to possess ;
- (b) to any person in such quantities as have been prescribed for such person by a medical practitioner :

Provided, in case (b),—

- (1) an entry of the sale and the date thereof shall be endorsed on the prescription ;
- (2) no other sale shall be made on the same prescription except under the direction of a medical practitioner.

9. The vendor of any morphia, cocaine or cocaine substitutes shall at the time of sale make an entry in such form as may be prescribed of the sale in a book kept for the purpose. A copy of the prescription relating thereto shall be annexed to every entry of a sale made in accordance with the provisions of rule 8 (b).

Provision for keeping register of sale of morphia, cocaine or cocaine substitutes.

9. The vendor of any morphia, cocaine or cocaine substitutes shall at the time of sale make an entry in such form as may be prescribed of the sale in a book kept for the purpose. A copy of the prescription relating thereto shall be annexed to every entry of a sale made in accordance with the provisions of rule 8 (b).

10. No person shall have in his possession any intoxicating drug in excess of such quantity as the Resident may prescribe.

Prohibition of possession.

10. No person shall have in his possession any intoxicating drug in excess of such quantity as the Resident may prescribe.

11. Whoever in contravention of this law or any rule made thereunder imports, transports, sells or possesses any intoxicating drugs shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both; and any intoxicating drugs in respect of which an offence under this law has been committed shall be liable to confiscation.

12. Any person holding a license and refusing to produce the same on the demand of any officer specially or generally authorized by the Resident in this behalf, or of a Police-officer not below the rank of head constable, and any person who breaks any condition of a license, shall be punished with fine which may extend to fifty rupees, and shall be liable to the forfeiture of his license.

Power to make rules.

13. The Resident may from time to time make rules not inconsistent with this law—

- (1) regulating the possession of intoxicating drugs;
- (2) to determine the authority by which, the form in which and the conditions on and subject to which any license or pass shall be granted; and may by such rules, among other matters,—
 - (a) fix the period for which any license or pass under this law shall continue in force;
 - (b) fix the fee payable for any such license or pass and the time or times at which it shall be payable;
- (3) as to the disposal of things confiscated under this law.

Savings.

14. Nothing in this law shall apply—

- (1) to import, transport, possession or sale on behalf of the British Government or the Government of His Highness the Nizam;
- (2) to mouth lozenges or tabloids containing less than one-sixteenth grain of cocaine in each;
- (3) to cocaine used in impure solution in ointments for local application or made nauseous to the taste;
- (4) to intoxicating drugs possessed before the 1st January 1912 by persons who were in possession thereof prior to the date of this notification and who have been in the habit of dealing in them;
- ¹(5) to such other medicinal preparations of the poppy and coca plants as may from time to time be declared by the Resident to be exempt from the provisions of this law.

[*Gazette of India*, 1911, Pt. I, p. 1011.]

¹ Inserted by notification No. 2320-I. B., dated the 7th November 1912. *Gazette of India*, 1912, Pt. I, p. 1235.

CHAPTER V.

KASHMIR AGENCY.

The Kashmir Agency comprises (a) the territories of His Highness the Maharaja of Kashmir and Jammu, including the feudatory State of Poonch and (b) the tributary States of Hunza, Nagar, Chilas, Ashkuman, Ghizar Koh and Yasin. The Political Agent in Gilgit is in immediate political charge of the Gilgit district of Kashmir and of the tributary States, in subordination to the Resident. An Assistant to the Resident at Leh is in subordinate political charge of Ladakh and Baltistan, and is *ex-officio* Joint Commissioner for the Central Asian trade route under the Treaty¹ of 1870. The rest of the Agency is in the direct political charge of the Resident.

In the territories of His Highness the Maharaja the political authorities possess the following jurisdiction :—

Criminal—The Resident and his Assistants have powers to enquire into or try cases against Europeans (both British subjects and of other nationalities), Americans, Christians of European descent, Native Indian subjects of His Majesty when merely visiting the territories of His Highness or acting as servants of a European British subject, and British subjects accused of having committed offences conjointly with European British subjects.

The trial of Native Indian subjects who ordinarily dwell, or carry on business, or personally work for gain within His Highness' territories, ordinarily rests with the Courts of the Darbar. At the same time, any such person convicted by the State Courts has the right of making a representation to the Resident, who will address the Darbar if he considers that there is ground for interference.

Civil.—The Resident and his Assistants have powers to dispose of civil suits in which both parties are subjects of His Majesty, or the defendant is a European British subject, or the defendant is a Native Indian subject of His Majesty and at the time of the commencement of the suit does not ordinarily dwell or carry on business or personally work for gain within the territories of the Maharaja.

All other suits between subjects of His Majesty on the one hand and subjects of the Maharaja on the other hand are ordinarily triable in the Courts of the State.

Provision for the exercise of this jurisdiction is made in notification² No. 933-E., dated the 8th May 1891. but for convenience sake a further set of

¹ Treaties, Vol. XI, Ed. 1909, p. 272

² Printed *in/ra*, p. 365.

criminal courts has been created for the Gilgit district by notification¹ No. 1231-F., dated the 11th May 1893.

There are special rules² with regard to visits and residence in His Highness the Maharaja's territories of all persons other than those of Indian and Tibetan nationality, breach of which renders the offender liable to expulsion.

In the tributary States the jurisdiction of the political authorities extends to the people of the country, as well as to British subjects, Europeans and Americans, and Government servants, but in the case of the former is only exercised where it is necessary to supplement the usual tribal authority.

As Joint Commissioner for the trade route the Assistant to the Resident at Leh is vested with special jurisdiction as defined in the Rules³ framed under the Treaty of 1870.

There are no Administered Areas in the Kashmir Agency. The Railway lands which are subject to British jurisdiction are included in the North-Western Division of Railways enumerated in Part III of Volume V.

¹ Printed *infra*, p. 367.

² See notification No. 2267-E. C., dated the 21st June 1907. *Gazette of India*, 1907, Pt. I, p. 500.

³ See notification No. 788, dated the 16th May 1870. *Gazette of India*, 1870, Pt. I, p. 332.

TERRITORIES OF HIS HIGHNESS THE MAHARAJA OF JAMMU AND KASHMIR.

The following British enactments are in force in the territories of His Highness the Maharaja of Jammu and Kashmir :—

I.—Statutes.—*See* Appendix I.

II.—Acts of the Governor General in Council.—*See* Appendix II.

III.—Orders under Statutes.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix III. 53 and 54 Vict., c. 37.

IV.—Orders under Acts of the Governor General in Council.

No. 1595-E., dated the 5th August 1887.—Printed in Appendix V.

Indian Christian
Marriage Act, 1872.

Resident appointed
Marriage Registrar.

No. 3-E., dated the 15th November 1895.—Printed in Appendix V.

Marriage certificates
to be sent to the
Registrar-General,
Punjab.

No. 1586-E., dated the 29th August 1892.—Printed in Appendix V.

Fees.

Administrator
General's Act, 1874.

No. 855-I. B., dated the 16th April 1913.—Printed in Appendix VI.

Jammu and
Kashmir included in
Presidency of Bengal
for purposes of the
Act.

No. 3542-I., dated the 27th August 1891.—Printed in Appendix VI.

Exercise of the
powers and duties of
a District Judge
under the Act.

Sea Customs Act,
1878.

No. 438-F., dated the 22nd February 1901.—In exercise of the powers conferred by section 19 of the Sea Customs Act, 1878 (VIII of 1878), the Governor General in Council is pleased to prohibit the bringing into British India, from any part of the Dir, Swat and Chitral Agency or of the Gilgit Agency, or from any of the tribal areas which lie between those two Agencies and the border of British India, of any Buddhistic sculptures, carvings or inscriptions save under the authority in writing of the Chief Political Officer of the said territories.

Prohibition against
bringing Buddhistic
sculptures, etc., into
British India from
the Gilgit Agency or
intervening tribal
area without written
sanction of Chief
Political Officer.

[*Gazette of India*, 1901, Pt. p. 125.]

Indian Arms Act,
1878.

Exemption of certain
persons in Native
States from
certain prohibitions
and directions
contained in the Act.

No. 3102, dated the 16th August 1909.—Printed in Appendix XVII.
(The Indian Arms Rules, 1909.)

Rules regarding the
export of arms and
ammunition from
British India to
Native States and
their import into
British India from
Native States.

Indian Income-tax
Act, 1886.

Resident invested
with certain powers
of a Collector under
the Act.

Births, Deaths
and Marriages
Registration Act,
1886.

Appointment of
(a) Residency
Surgeon, First
Assistant to Resi-
dent, and Durbar
Assistant to Resident
to be Registrars of
Births and Deaths.
(b) Registrar-
General, Punjab,
to be Registrar-
General.

Rules and fees.

Indian Foreign
Marriage Act, 1903.

Fees.

Indian Extradition
Act, 1903.

Political Agents
authorized to grant
extradition for an
act against the law
of a State which
would constitute
an offence under the
Criminal Tribes Act,
1871,¹ in British
India.

Rules under the
Act.

No. 4135-I, dated the 16th September 1887.—Printed in Appendix VII.

No. 343-I, dated the 25th January 1889. } Printed in Appendix
No. 4000-Est. A., dated the 2nd December 1909. } VIII.

No. 1173, dated the 19th July 1888.—Printed in Appendix VIII.

No. 341, dated the 11th August 1904.—Printed *supra*, page 5.

No. 3361-I.A., dated the 23rd December 1898.—Printed in Appendix IX.

No. 1862-I.A., dated the 13th May 1904.—Printed in Appendix IX.

¹ Repealed by the Criminal Tribes Act, 1911 (III of 1911).

No. 717, dated the 20th August 1904.—Printed in Appendix X.

See Orders relating to Courts *infra*.

Indian Universities
Act, 1904.
Inclusion of Kashmir
in the territorial
limits of
the Punjab
University.
Code of Civil
Procedure, 1908.

V.—Orders relating to Courts.

No. 1431-I., dated the 27th April 1893.—Printed in Appendix XIII

British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India.

No. 1863-I. A., dated the 13th May 1904.—Printed in Appendix IV.

Criminal law and procedure of British India applicable to British subjects in Native States.

No. 680-I. B., dated the 19th March 1912.—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

No. 932-E., dated the 8th May 1891.

No. 1230-F., dated the 11th May 1893.

} Printed in Appendix IV.

Appointments of Justices of the Peace. Directions to them to commit for trial to the Chief Court of the Punjab.

No. 605-P., dated the 28th March 1873.—Printed page 371 *infra*.

Special judicial powers of the Resident.

No. 933-E., dated the 8th May 1891.—Whereas the Governor General in Council has in certain cases jurisdiction within the territories of His Highness the Maharaja of Jammu and Kashmir : In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879,¹ and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders with respect to such cases :—

Criminal and civil jurisdiction of political officers.

PART I.—CRIMINAL JUSTICE.

For the purposes of the exercise within the said territories of criminal jurisdiction in such cases as aforesaid :—

- (1) Every Assistant ² to the Resident in Kashmir for the time being may exercise the powers of a District Magistrate and of a Court of Session as described in the ³ [Code of Criminal Procedure, 1898].

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

² By virtue of these powers the Assistant at Leh deals with cases of travellers of the classes specified on page 361, except European British subjects, unless the Joint Commissioners take action under the rules of 1870. See footnote 3 on p. 360 *supra*.

³ Substituted by notification No. 260-I.B., dated the 10th February 1913, printed *infra*, p. 372.

- (2) The Resident in Kashmir for the time being shall exercise the powers of a Court of Session and High Court as described in the said Code in respect of all offences over which magisterial jurisdiction is exercised by any of his Assistants: Provided that no such Assistant shall commit any accused person for trial to the Resident acting as a Court of Session.
- (3) The Resident in Kashmir for the time being shall exercise the powers of a High Court as described in the said Code in respect of all offences over which the jurisdiction of a Court of Session is exercised by any such Assistant * *1.
- (4) In the exercise of the jurisdiction of a Court of Session conferred on him by these orders, an Assistant may take cognizance of any offence as a Court of original criminal jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the ² Code of Criminal Procedure, 1898, for the trial of warrant-cases by Magistrates.
- (5) A trial before an Assistant in the exercise of the jurisdiction of a Court of Session conferred on him by these orders may be without jury or aid of assessors.
- (6) This part of these orders applies to all proceedings except—
 - (a) proceedings against European British subjects or British subjects jointly charged with European British subjects; and
 - (b) proceedings pending at the date of this notification which should be carried on as if this notification had not been issued.

PART II.—CIVIL JUSTICE.

For the purposes of the exercise within the said territories of civil jurisdiction in such cases as aforesaid:—

- (1) Every Assistant ³ to the Resident in Kashmir for the time being may exercise the powers of a District Court, as described in the Code of Civil Procedure, ⁴ [1908] with jurisdiction in all original suits, whatever be the amount or value of the

¹ Omitted by notification No. 531-D, dated the 26th February 1913. *Gazette of India*, 1913-Pt. I, p. 169.

² See footnote 3 on p. 365 *supra*.

³ See footnote 2 on p. 365 *supra*.

⁴ Inserted by notification No. 260-I. B., dated the 10th February 1913. Printed *infra*, p. 372.

subject-matter, and in all other proceedings in which jurisdiction is conferred on the District Court by the law for the time being in force.

- (2) Every Assistant¹ to the Resident in Kashmir for the time being may exercise the powers of a Court of Small Causes, with jurisdiction in all suits cognizable under the Provincial Small Cause Courts Act, 1887, when the amount or value of the subject-matter does not exceed one thousand rupees.
- (3) Appeals shall lie, subject to the law for the time being in force, to the Resident in Kashmir from the decrees and orders of an Assistant, and the Resident shall exercise the powers of a High Court.

* * * *

[*Gazette of India*, 1891, Pt. I, p. 235.]

No. 1231-F., dated the 11th May 1893.—Whereas the Governor General in Council has in certain cases jurisdiction within the territories of His Highness the Maharaja of Jammu and Kashmir; In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879)⁴, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders with respect to such cases.—

Supplementary provisions for the Gilgit District.

For the purposes of the exercise within the Gilgit district in the said territories of criminal jurisdiction in such cases as aforesaid :

- (1) Every Assistant to the British Agent at Gilgit for the time being may exercise the powers of a District Magistrate as described in the ³[Code of Criminal Procedure, 1898].
- (2) The British Agent at Gilgit for the time being shall exercise the powers of a Court of Session as described in the said Code in respect of all offences over which magisterial jurisdiction is exercised by any of his Assistants; provided that no such Assistant shall commit any accused person for trial to the British Agent acting as a Court of Session.

¹ See footnote 2 on p. 365 *supra*

² Part III, with the schedule, relating to } by notification No. 260-I. B., dated the 10th laws, was cancelled } February 1913. Printed *infra* p 372.

³ Substituted

⁴ See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix

- (3) The Resident in Kashmir for the time being shall exercise the powers of a High Court as described in the said Code in respect of all offences over which magisterial jurisdiction is exercised by any Assistant to the British Agent at Gilgit or over which the jurisdiction of a Court of Session is exercised by such British Agent * *¹.
- (4) In the exercise of the jurisdiction of a Court of Session conferred on him by these orders, the British Agent at Gilgit may take cognizance of any offence as a court of original criminal jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure, 1898,² for the trial of warrant cases by Magistrates.
- (5) A trial before the British Agent at Gilgit in the exercise of the jurisdiction of a Court of Session conferred on him by these orders may be without jury or aid of assessors.
- (6) These orders apply to all proceedings, except—
- (a) proceedings against European British subjects or British subjects jointly charged with European British subjects; and
 - (b) proceedings pending at the date of this notification, which should be carried on as if this notification had not been issued.

[*Gazette of India*, 1893, Pt. I, p. 248]

Courts in British India empowered to send summonses under the Code of Civil Procedure and decrees to the Courts of the Assistant Residents for service and execution.

No. 786-I. B., dated the 9th April 1913.—Printed in Appendix XIIA.

¹ Omitted by notification No. 531-D., dated the 26th February 1913. *Gazette of India*, 1913, Pt. I, p. 169.

² See footnote on p. 367.

Service by the Courts
of the Assistant
Residents of
summonses—

No. 1366-I, dated the 29th March 1889.—

No. 1367-I, dated the 29th March 1889.—

No. 1368-I, dated the 29th March 1889.—

No. 2182-I, dated the 2nd July 1890 —

No. 397-I. B., dated the 25th February 1910.—

Printed in Appendix
XIIA.

(a) of Civil or
Revenue Courts in
British India

(b) of other¹ Courts
established or
continued by the
Governor General in
Council.

(c) of Civil or
Revenue Courts of
Hyderabad, Mysore,
Central India
States, States in the
political control of
the Bombay
Government, and
Baroda.

Execution by the
Courts of the
Assistant Residents
of decrees

No. 790-I. B, dated the 9th April 1913—

No. 1363-I, dated the 29th March 1889.—

No. 1364-I, dated the 29th March 1889 —

No. 4051-I A., dated the 18th September 1902 —

No. 399-I. B., dated the 25th February 1910.—

Printed in Appendix
XIIA.

(a) of Courts in
British India.

(b) of other¹ Courts
established or
continued by the
Governor General in
Council.

(c) of certain Courts
of Mysore, States in
the political control
of the Bombay
Government and
Baroda.

Service of summonses
of the Courts of the
Assistant Residents²

No. 1367-I, dated the 29th March 1889 — Printed in Appendix XIIA.

(a) by other¹ Courts
established or
continued by the
Governor General in
Council.

No. 398-I B., dated the 25th February 1910. } Printed in Appendix
No. 2629-I. I B., dated the 24th December 1912 } XIIC.

(b) by Civil Courts
of the Baroda and
Mysore States.

¹ For a list of such Courts in other parts of India see notifications Nos. 786—788-I., dated the 9th April 1913. Printed in Appendix XII A.

² These Courts may send their summonses and decrees to Courts in British India for service and execution. See sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908) Printed General Acts, Vol. VI, Ed. 1909, p. 133.

Execution of decrees
of the Courts of the
Assistant Residents¹

(a) by other² Courts
established or
continued by the
Governor General in
Council.

(b) By Courts of the
Mysore and Baroda
States.

Service by Civil
Courts of the
Kashmir State of
summonses

(a) of Courts in
British India.

Service of
summonses of Civil
or Revenue Courts
of the Kashmir
State

(a) by Courts in
British India.

No. 1363-I., dated the 29th March 1889.—Printed in Appendix XIIA.

No. 2623-I. B., dated the 24th December 1912.—Printed in Appendix
XIIC.

No. 2302-I. B., dated the 29th November 1910.—Printed in Appendix
XIIC.

No. 2303-I. B., dated the 29th November 1910.—Printed in Appendix
XIIB.

¹ See footnote 2 on previous page.

² See footnote 1 on previous page.

VI.—Special Laws.¹

No 605-P, dated the 28th March 1873.—By virtue of authority Special law relating to European British subjects in Kashmir duly acquired in that behalf by agreement with the Maharaja of Kashmir, the Governor General in Council is pleased under sections 4 and 5 of Act XI of 1872² (the Foreign Jurisdiction and Extradition Act), to delegate to the British Officer for the time being on duty in Kashmir the powers described in the following Regulations :—

I.—The³ British Officer for the time being on duty at Srinagar shall represent the British Government in Kashmir, and for the maintenance of good order the following powers and duties are respectively conferred and imposed upon him :—

(a) ⁴He may direct any European British subject⁵ who is travelling or residing in Kashmir, and who is guilty of any gross misconduct, to leave Kashmir forthwith, and may punish any person knowing of such direction and disobeying the same with rigorous or simple imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

(b) * * *⁶

(c) * * *⁷

II. } * * *⁸
III. }

IV.—Persons sentenced to imprisonment shall be transferred to, and confined in, the Sialkot or Rawalpindi Jail.

V. }
VI. } * * *⁹
VII. }
VIII. }
IX.— * * *¹⁰
X.— * * *¹¹

¹ For other Special and Local Laws made under the Indian (Foreign Jurisdiction) Order in Council, 1902, see the Orders relating to Courts, *supra*.

² See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

³ Now the Resident in Kashmir

⁴ This provision is not affected by Rule XII of the Visitors' Rules. See footnote 2 on p 360.

⁵ As defined in section 4 (1) (a) of the Code of Criminal Procedure, 1898. Printed General Acts, Vol. V, Ed. 1909, p. 14

⁶ Cancelled by Part III of notification No. 933-E., dated the 8th May 1891. Printed *supra*, p. 365

⁷ Cancelled by notification No. 260-I. B., dated the 10th February 1913, and by Part III of notification No. 933-E., dated the 8th May 1891. See p. 372 *infra* and p. 365 *supra*, respectively.

⁸ Cancelled by notification No. 260-I. B., dated the 10th February 1913. Printed *infra*, p. 372.

Any person convicted on a trial held by such officer may appeal * *¹ if such person be an European British subject, * *¹ to the Chief Court of the Panjab.

XI.—* *²

XII to XV.—* *³

[*Gazette of India*, 1873, Pt. I, p 257.]

Application of Acts
for purposes of
exercise of British
jurisdiction where it
exists.

No 260-I B., dated the 10th February 1913.—Whereas the Governor General in Council has in certain cases jurisdiction within the territories of His Highness the Maharaja of Jammu and Kashmir :

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and all of other powers enabling him in that behalf, the Governor General in Council is pleased to apply to the said territories for the purposes of such cases the enactments specified in the first schedule hereto annexed, in so far as the same may be applicable and subject to any amendments to which the enactments are for the time being subject in British India.

II. The notifications of the Government of India in the Foreign Department mentioned in the second schedule hereto annexed are hereby cancelled or amended to the extent noted against each.

Provided that all civil and criminal proceedings pending at the date of this notification shall be carried on as if this notification had not been issued, but that, save as aforesaid, all proceedings commenced, officers appointed or authorized, jurisdiction or powers conferred or confirmed, notifications published, rules or bye-laws made, orders passed and things done under any of the enactments specified in the notifications hereby superseded in the said territories shall be, as far as may be, deemed to have been respectively commenced, appointed or authorised, conferred, or confirmed, published, made, passed and done, under the corresponding enactments specified in this notification.

First Schedule.

The Judicial Officers' Protection Act, 1850 (XVIII of 1850).

The Indian Penal Code (Act XLV of 1860).

The Indian Succession Act, 1865 (X of 1865).

The Court-fees Act, 1870 (VII of 1870).

The Indian Evidence Act, 1872 (I of 1872).

The Indian Contract Act, 1872 (IX of 1872)

The Government Savings Banks Act, 1873 (V of 1873).

¹ See footnote 7 on previous page.

² See footnote 6 on previous page

³ See footnote 8 on previous page.

The Indian Oaths Act, 1873 (X of 1873).
 The Indian Majority Act, 1875 (IX of 1875).
 The Probate and Administration Act, 1881 (V of 1881).
 The Indian Telegraph Act, 1885 (XIII of 1885).
 The Provincial Small Cause Courts Act, 1887 (IX of 1887).
 The Succession Certificate Act, 1889 (VII of 1889).
 The Guardians and Wards Act, 1890 (VIII of 1890).
 The General Clauses Act, 1897 (X of 1897).
 The Code of Criminal Procedure, 1898 (V of 1898).
 The Indian Post Office Act, 1898 (VI of 1898).
 The Glanders and Farcy Act, 1899 (XIII of 1899).
 The Provincial Insolvency Act, 1907 (III of 1907).
 The Code of Civil Procedure, 1908 (V of 1908).
 The Indian Limitation Act, 1908 (IX of 1908).
 The Whipping Act, 1909 (IV of 1909).
 The Indian Lunacy Act, 1912 (IV of 1912).

Second Schedule.

(Notifications cancelled or amended Not re-printed.)

[*Gazette of India*, 1913, Pt. I, p. 120.]

HUNZA, NAGAR, CHILAS, ASHKUMAN, GHIZAR KOH AND YASIN.

The following British enactments are in force in these tributary States.—

I.—Statutes.—*See* Appendix I.

II.—Acts of the Governor General in Council.—*See* Appendix II.

III.—Orders under Statutes.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—53 & 54 Vict., C. 37.
See Appendix III.

IV.—Orders under Acts of the Governor General in Council.

No. 438-F, dated the 22nd February 1901.—Printed *supra* page 361.

Sea Customs Act,
1878.

Prohibition against bringing Buddhist sculptures, etc., into British India from the Gilgit Agency or intervening tribal area without written sanction of the Chief Political Officer.
Indian Arms Act,
1878.

No. 3102, dated the 16th August 1909.—Printed in Appendix XVII.
(The Indian Arms Rules, 1909.)

Exemption of certain persons in Native States from certain prohibitions and directions contained in the Act.

Rules regarding the export of arms and ammunition from British India to Native States and their import into British India from Native States.

No. 4135-I, dated the 16th September 1887.—Printed in Appendix VII.

Indian Income-tax
Act, 1886.

Resident in Kashmir invested with certain powers of a Collector under the Act

No. 341, dated the 11th August 1904.—Printed *supra* page 5.

Indian Foreign
Marriage Act, 1903.
Fees.

No. 1862-I.A, dated the 13th May 1904.—Printed in Appendix IX.

Indian Extradition
Act, 1903.
Rules under the Act.

V.—Orders relating to Courts.

British Courts
beyond the limits
of British India
empowered to send
warrants for the
execution of capital
sentences to officers in
charge of prisons
in British India.

No. 1431-I., dated the 27th April 1893.—Printed in Appendix XIII.

Criminal law and
procedure of British
India applicable to
British subjects in
Native States.

No. 1863-I.A., dated the 13th May 1904.—Printed in Appendix IV.

Justices of the Peace
invested with powers
of Magistrates of the
first class and to hold
inquests.

No. 680-I.B., dated the 19th March 1912.—Printed in Appendix IV,

Criminal jurisdiction
of political officers in
Chilas Ashkuman,
Ghizar Koh and
Yasin.

The Governor-General in Council is pleased to issue the following orders for the purpose of the exercise of criminal jurisdiction within the territories known as Chilas, Ghizar Koh, Yasin and Ashkuman —

(1) Every Assistant to the Political Agent in Gilgit for the time being may exercise the powers of a District Magistrate as described in the Code of Criminal Procedure, 1898 (Act V of 1898)

(2) The Political Agent in Gilgit for the time being shall exercise the powers of a Court of Session as described in the said Code in respect of all offences over which magisterial jurisdiction is exercised by any of his Assistants.

(3) The Resident in Kashmir for the time being shall exercise the powers of a High Court as described in the said Code in respect of all offences over which magisterial jurisdiction is exercised by any Assistant to the Political Agent in Gilgit or over which the jurisdiction of a Court of Session is exercised by such Political Agent.

(4) In the exercise of the jurisdiction of a Court of Session conferred on him by these orders, the Political Agent in Gilgit may take cognizance of any offence as a Court of Original Criminal Jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the Code of Criminal Procedure, 1898, for the trial of warrant-cases by Magistrates

(5) A trial before the Political Agent in Gilgit in the exercise of the jurisdiction of a Court of Session conferred on him by these orders, may be without jury or aid of assessors.

(6) The Political Agent in Gilgit within all the said territories, and the Assistant Political Agent at Chilas within the limits of Chilas, shall exercise

all the powers of a Deputy Commissioner as described in the Punjab Frontier Crimes Regulation, 1887 (IV of 1887), provided that the Political Agent in Gilgit shall exercise a general power of revision over the proceedings under this Regulation of the Assistant Political Agent at Chilas, and that orders passed by the Political Agent in Gilgit may be revised by the Resident in Kashmir.

(7) The Political Agent, Gilgit, shall also exercise within the said territories the powers of a Sessions Judge as described in Act XXIII of 1867 ¹(*an Act for the suppression of murderous outrages in certain districts of the Punjab*).

3. In the exercise of the powers hereby conferred upon them, the officers mentioned in the preceding paragraph shall be guided by the spirit and the principles of the Code of Criminal Procedure, 1898 (Act V of 1898), and the Indian Penal Code (Act XLV of 1860), and in cases which in British India would come under the Punjab Frontier Crimes Regulation, 1887 (IV of 1887), or Act XXIII of 1867, the Political Officers may act as if these enactments were in force within their respective charges. The power conferred relate to criminal proceedings in respect to all persons other than European British subjects and persons jointly charged with European British subjects. Further, in any case in which neither of the parties is a British subject the Political Officers may in their discretion refuse to exercise the powers now conferred upon them.

[*Letter of the Government of India, No. 1800-F, dated the 24th July 1901.*]

¹ The Punjab Murderous Outrages Act, 1867. Printed Punjab and North-West Code, Ed. 1903, p 42.

CHAPTER VI.

MYSORE.

At the rendition of Mysore in 1881, the conditions upon which the administration of the State was transferred to His Highness the Maharaja were embodied in an Instrument of Transfer¹, of which the following articles may be quoted here :—

9. The Maharaja of Mysore shall not object to the maintenance or establishment of British cantonments in the said territories whenever and wherever the Governor-General in Council may consider such cantonments necessary. He shall grant free of all charge such land as may be required for such cantonments and shall renounce all jurisdiction within the lands so granted.

* *

15 If the British Government at any time desires to construct or work, by itself or otherwise a railway in the said territories, the Maharaja of Mysore shall grant free of all charge such land as may be required for that purpose and shall transfer to the Governor-General in Council plenary jurisdiction within such land * *

16 The Maharaja of Mysore shall cause to be arrested and surrendered to the proper officers of the British Government any person within the said territories accused of having committed an offence in British India for whose arrest and surrender a demand may be made by the British Resident in Mysore, or some other officer authorised by him in this behalf and he shall afford every assistance for the trial of such persons by causing the attendance of witnesses required and by such other means as may be necessary

17 Plenary criminal jurisdiction over European British subjects in the said territories shall continue to be vested in the Governor-General in Council and the Maharaja of Mysore shall exercise only such jurisdiction in respect to European British subjects as may from time to time be delegated to him by the Governor-General in Council

19 All laws in force and rules having the force of law in the said territories when the Maharaja Chamrajendra Wadiar Bahadur is placed in possession thereof, as shown in the schedule hereto annexed, shall be maintained and efficiently administered, and except with the previous consent of the Governor-General in Council, the Maharaja of Mysore shall not repeal or modify such laws, or pass any laws or rules inconsistent therewith

Agreeably with Article 9 His Highness the Maharaja, on the 5th April 1881, assigned to the exclusive management of the British Government the lands forming the Civil and Military Station of Bangalore²

The railway lands in the Mysore State over which jurisdiction has similarly been ceded in accordance with Article 15 are included in the Southern Division of Railways enumerated in Part III of Volume V.

¹ See Aitchison's Treaties, Volume IX, 4th Edition, page 231

² See Aitchison's Treaties, Volume IX, 4th Edition, page 235. For the present boundaries of the Civil and Military Station, see notification No 1527-IA, dated the 26th April 1907, *Gazette of India*, 1907, Part I, page 306, and notification No. 595-IA, dated the 7th February 1908, printed *infra*, p 532.

The jurisdiction specifically reserved by Article 17 extends also to other Europeans, Americans, and Government servants, as in other Native States.¹

Article 19 has been cited on account of the restriction which it imposes ; but the laws thereby retained in force and the amendments subsequently introduced with the sanction of the Government of India are laws of the Mysore State, and as such are outside the scope of this work.

¹ In the Kolar Gold Fields cases against Europeans and Americans are dealt with by a special Magistrate of the Mysore State, who is ordinarily appointed also by the Governor-General in Council to be a Justice of the Peace. All such charges, and the results of the trials, are reported to the Resident.

MYSORE STATE.

The following British Enactments are in force in the Mysore State —

I.—Statutes —*See* Appendix I.

II.—Acts of the Governor-General in Council.—*See* Appendix II.

III.—Orders under Statutes —

No. 853-I B, dated the 16th April 1913.—Printed in Appendix IV. 28 Vict, c 15.

III. The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix 53 and 54 Vict, c. 37.

IV.—Orders under Acts of the Governor-General in Council and of Local Legislatures.

No. 1555-I., dated the 14th May 1895.—Printed in Appendix V.

Indian Christian Marriage Act, 1872.
Appointment of Marriage Registrar for the Civil and Military Station of Bangalore¹

No. 2903-I., dated the 17th July 1889.—Printed in Appendix V.

Marriage certificates to be sent to the Registrar-General, Madras

No. 3747-I.B., dated the 1st October 1897.—Printed in Appendix V.

Delegation of powers under sections 6, 8 and 9 to the Resident.

No. 1586-E, dated the 29th August 1892.—Printed in Appendix V.

Fees and Rules.

No. 3542-I., dated the 27th August 1891.—Printed in Appendix VI.

Administrator-General's Act, 1874.

Exercise of the powers and duties of a District Judge under the Act.

No. 3102, dated the 16th August 1909.—Printed in Appendix XVII.

Indian Arms Act, 1878.

(The Indian Arms Rules, 1909.)

Exemption of certain persons in Native States from certain prohibitions and directions contained in the Act
Rules regarding the export of arms and ammunition from British India to Native States and their import into British India from Native States.

¹ For the appointment of Marriage Registrar under the Act as locally applied to the Civil and Military Station, *see* notification No. 4930, dated the 27th September 1900, printed Volume III, p. 371.

Indian Income-tax
Act, 1886¹

Appointment of
Collector for the
purpose of granting
certificates

No. 4135-I, dated the 16th September 1887.—Printed in Appendix
VII.

Births, Deaths and
Marriages, Registra-
tion Act, 1886.

Appointment of
(a) Registrars of
Births and Deaths

No. 342-I, dated the 25th January 1889. }
No. 2360-I, dated the 6th July 1893. } —Printed in Appendix VIII.

(b) Registrar-
General, Madras, to
be Registrar-General
for Mysore

Rules and fees.

No. 1173, dated the 19th July 1888.—Printed in Appendix VIII.

Court-fees Act, 1870.

Service of processes
of Courts in Mysore
and in certain States
in the political
control of the
Bombay Government
free of charge by
Courts in the Bombay
Presidency.

No. 3287, dated the 25th June 1888—The following rules framed by
the Hon'ble the Chief Justice and Judges of the High Court under
sections 20 and 22 of the Court-fees Act, VII of 1870, confirmed by the
Government of Bombay and sanctioned by the Governor-General of India
in Council are published for general information.

* * * *

XIV. Processes issued by the Courts in Berar, Mysore, or by any of the
Courts mentioned in the Government of India's Notification² No. 868-I. of
13th March 1885, republished at page 419 of the *Bombay Government
Gazette* for 1885, Part I, to which the provisions of Section 650 A of the
Code of Civil Procedure have been applied shall be served free of charge by
the Courts in the Bombay Presidency.

* * * *

[*Bombay Government Gazette*, 1888, Pt. I. p. 597.]

Indian Railways
Act, 1890.

Taxes payable to local
authorities in the
Mysore State by the
Madras and Southern
Maratha Railway.
Indian Stamp Act,
1899.

No. 230, dated the 24th August 1911.—Printed Volume V, page 218.

Remission of duty
in British India on
(a) bills of exchange
and cheques drawn
in Mysore, and
(b) instruments
executed in the
Civil and Military

² *No. 3616-Exc., dated the 16th July 1909.*—In exercise of the powers
conferred by section 9, clause (a) of the Indian Stamp Act, 1899 (II of 1899),
* * * * the Governor-General in Council is pleased
* * * * to remit the duties * chargeable in
respect of instruments of the * classes hereinafter described —

* * * *

¹ For further orders under the Indian Income-tax Act, 1886, as a personal law but only
operative in the Civil and Military Station of Bangalore, see *infra*, p 387.

² For notifications securing similar remissions in Administered Areas under British jurisdic-
tion see pp. 111 and 176 in Volume II, and corresponding notifications in Volumes III
and IV.

57 Bill of exchange drawn in Mysore, on which the full rate of stamp duty has been paid there, when the same is negotiated in British India. Station of Bangalore on which the stamp duty chargeable there has been paid.

58. Cheque drawn in Mysore, on which the full rate of stamp duty has been paid there, when the same is negotiated in British India.

* * * *

81 Instrument executed in the areas mentioned in the schedule hereto attached in respect of which the stamp duty with which it is chargeable under the stamp law for the time being in force in the said areas has been paid in accordance with the said law.

SCHEDULE.

* * * *

8. The Civil and Military Station of Bangalore

¹ 9 Railway lands in the Mysore State over which the Governor General in Council exercises jurisdiction.

[*Gazette of India*, 1909, Pt. I, p. 597.]

No. 341, dated the 11th August 1904.—Printed *supra* page 5.

Indian Foreign Marriage Act, 1903.

Fees,

No. 3361-I A, dated the 23rd December 1898.—Printed in Appendix IX.

Indian Extradition Act, 1903

Political Agents authorized to grant extradition for an act against the law of a Native State which in British India would constitute an offence under the Criminal Tribes Act, 1871.²

No. 1862-I.A, dated the 13th May 1904.—Printed in Appendix IX.

Rules under the Act, Indian Universities Act, 1904.

No. 717, dated the 20th August 1904.—See Appendix X.

Inclusion of Mysore in the territorial limits of the Madras University.

(See Orders relating to Courts *infra*.)

Code of Civil Procedure, 1908.

No. 260, dated the 4th June 1912.—Printed *supra* page 212.

Madras Abkari Act, 1886.

Resident empowered to permit the exports of intoxicating drug from the Madras Presidency to the Mysore State.

¹ Added by notification No 246-F, dated the 28th February 1913. *Gazette of India*, 1913, Pt. I, p. 169.

² Repealed by the Criminal Tribes Act, 1911 (III of 1911).

V.—Orders relating to Courts.

British courts
beyond the limits of
British India
empowered to send
warrants for the
execution of capital
sentences to officers
in charge of prisons
in British India.

No. 1431-I, dated the 27th April 1893.—Printed in Appendix XIII.

Criminal law and
procedure of British
India applicable to
British subjects in
Native States.

No. 1863-I.A, dated the 13th May 1904—Printed in Appendix IV.

Jurisdiction of the
High Court of
Madras over
European British
subjects in Mysore

No. 853-I.B., dated the 16th April 1913.—Printed in Appendix IV.

Justices of the Peace
to commit for trial
to the High Court
having jurisdiction.

No. 2616-I., dated the 6th August 1890—Printed in Appendix IV.

Justices of the Peace
invested with powers
of Magistrates of the
first class and to
hold inquests.

No. 680-I.B, dated the 19th March 1912.—Printed in Appendix IV.

Appointments of
Justices of the
Peace for Mysore.

No. 159-I. J., dated the 21st July 1881.

No. 12-I, dated the 3rd January 1884.

No. 955-I., dated the 18th March 1884.

}—Printed in Appendix IV.

Lists of Courts
established or
continued by the
Governor-General
in Council in Native
States in the political
control of the
Government of India
and of Local
Governments.

No. 786-I B.,

No. 787-I.B, }

dated the 9th April 1913.—Printed in Appendix XIA.

No. 788-I.B, }

Service of summonses
of Civil and Revenue
Courts of the Mysore
State—

(a) by Courts in
British India;

No. 232-I.J., dated the 25th November 1881.—Printed in Appendix XIIB.

- No. 1368-I., dated the 29th March 1889.*—Printed in Appendix XIIA. (b) by Courts established or continued by the Governor-General in Council.
- Execution of decrees of Civil and Revenue Courts of the Mysore State—
- No. 233-I.J., dated the 25th November 1881.*—Printed in Appendix XIIB. (a) by Courts in British India;
- No. 1364-I., dated the 29th March 1889.*—Printed in Appendix XIIA. (b) by Courts established or continued by the Governor-General in Council.
- Service by Civil Courts of the Mysore State of summonses—
- No. 2621-I.B., dated the 24th December 1912* } —Printed in Appendix XIIC. (a) of Courts in British India.
- No. 2622-I.B., dated the 24th December 1912.* } (b) of Courts established or continued by the Governor-General in Council.
- No. 111, dated the 23rd July 1878.*—Printed in Appendix XIIC. Service in the Mysore State of criminal processes issued by Magistrates in British India.
- Execution by Civil Courts of the Mysore State of decrees—
- No. 2053-I.B., dated the 22nd September 1911.* } —Printed in Appendix XIIC. (a) of Courts in British India.
- No. 2623-I.B., dated the 24th December 1912.* } (b) of Courts established or continued by the Governor-General in Council.

CIVIL AND MILITARY STATION OF BANGALORE.

The following British enactments are in force in the Civil and Military Station :—

I.—Statutes.—See Appendix I.

II.—Acts of the Governor-General in Council.—See Appendix II.

III.—Orders under Statutes.

No. 853-I. B., dated the 16th April 1913.—Printed in Appendix IV. 28 Vict., c. 15.

No. 156, dated the 21st March 1884.—In continuation of G. G. O. 44 & 45 Vict., c. 58. No 485 of 1883, the Governor-General of India in Council, in exercise of the powers conferred by section 133 of the Army Act, 1881, is pleased to set apart the buildings or parts of buildings at the stations as hereinafter detailed as part of the military prisons at those stations, and they are hereby declared to be part of such military prisons (namely) :—

Bangalore.—One cell-ward and guard room at the southern end of the north wing, and one cell-ward at the northern end of the south wing of the South Station Hospital.

* * * * *

[*Gazette of India*, 1884, Pt. I, p 128.]

The Indian (Foreign Jurisdiction) Order in Council, 1902.—See Appendix 53 & 54 Vict. c. 37, III.

IV.—Orders under Acts of the Governor-General in Council.

The orders cited above¹ as in force in the Mysore State are equally in force in the Civil and Military Station of Bangalore with the exception of the orders under the Indian Extradition Act, 1903, which do not apply. The following orders under the Indian Income-tax Act, 1886, as a personal law² extending to British subjects in the service of the Government of India or of a local authority established in the exercise of the powers of the Governor-General in Council in that behalf, are also in force in the Civil and Military Station :—

No. 382, dated the 18th February 1886.—In accordance with the power granted in section 18 of Act II of 1886 (an Act for imposing a tax on income

Indian Income-tax Act, 1886.

Collector authorized to issue a general notice inviting the submission of returns of income.

¹ Pages 381 to 383 *supra*

² For orders under the Act as applied to Bangalore as a local law see Vol. III, pp 480 to 499.

derived from sources other than agriculture), the Officiating Resident in Mysore is pleased to make the following rule :—

1. The Collector of the Civil and Military Station, Bangalore, is authorized to cause a general notice to be published inviting every person under Part IV (as represented in Schedule II of the before-mentioned Act) to deliver or cause to be delivered to him at Bangalore, within a time specified in the notice, a return, in a prescribed form published with the notice, of his income during the year ending on the day on which his accounts have been last made up, or if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then of his income during the year ending on the said thirty-first day of March.

2. The Collector is authorized to prescribe such a form as he may think requisite for the purpose of clause (b) of section 18 of the before-mentioned Act.

[*Gazette of India*, 1886, Pt. II, p. 118.]

No. 698, dated the 22nd March 1886.—In accordance with the provisions of section 40 of Act II of 1886 (an Act for imposing a tax on income derived from sources other than agriculture), the Officiating Resident in Mysore is pleased to authorize the Assistant¹ to the Resident in Mysore to exercise, in respect of the Civil and Military Station of Bangalore, the powers conferred on the Commissioner of Division by sections 27, 28 and 34 (2) of the aforesaid Act.

[*Gazette of India*, 1886, Pt. II, p. 174]

¹ Now styled First Assistant to the Resident.

V.—Acts locally applied.

No. 2252-I, dated the 7th August 1883.—Whereas His Highness the Maharaja of Mysore, by an Instrument dated the 25th day of March, 1881, assigned, free of charges, to the exclusive management of the British Government for the purpose of a cantonment, certain lands situated within the limits specified and described in a schedule and map annexed to the said Instrument, and forming the Civil and Military Station of Bangalore; and whereas by the said Instrument His Highness the Maharaja of Mysore renounced all jurisdiction in the lands so assigned: In exercise of the powers conferred by sections 4 and 5 of Act XXI of 1879 (the Foreign Jurisdiction and Extradition Act, 1879)¹, and of all other powers enabling him in this behalf, and in supersession of so much of the notifications ²Nos. 126-G P. and 15-G.P., dated, respectively, the 28th April and 28th October 1881, as relates to Laws and Regulations, and in supersession of all other notifications (save the notification ³ No. 529-I., dated the 1st March 1883), extending Acts to the Mysore Province or to the town and cantonment of Bangalore, in so far as they relate to the tract now designated the Civil and Military Station of Bangalore, the Governor-General in Council is pleased to declare that the following Acts apply to the Civil and Military Station of Bangalore, to the extent and subject to the modifications hereinafter set forth, and to the modifications (if any) made in them by the Acts specified in the above-mentioned notification ³ No. 529-I., dated the 1st March 1883.

PART I.—General Acts.

* * * * *

PART II.—Bombay Acts.

Number and year	Title.	Extent of application	Modifications.
I of 1865	Bombay Survey and Settlement Act	The preamble and sections 1 to 49 (both inclusive).	For "Governor in Council" read "Resident in Mysore"
IV of 1868	Act for City Surveys and Amendment of Bombay Survey and Settlement Act, 1868	The whole Act . . .	.....

[*Gazette of India*, 1883, Pt. I, p. 332.]

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

² Printed *infra*, p. 416, footnote 3.

³ Cancelled by notification No. 2477-I B, dated the 16th December 1910 [*Gazette of India* 1910, Pt. I, p. 1197] which has also been cancelled by notification No. 732-D., dated the 19th March 1913, printed on page 390 *infra*.

General Acts and
Madras Acts.

No 732-D., dated the 19th March 1913.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to apply to the Civil and Military Station of Bangalore, the enactments specified in the first schedule hereto annexed, in so far as the same may be applicable thereto and subject to any amendments to which the enactments are for the time being subject in British India :

Provided, first, that in the enactments as so applied, references to a Local Government, the Chief Controlling Revenue-authority or the Chief Revenue-authority shall be read as referring to the Resident in Mysore, references to a Secretary to a Local Government as referring to the First Assistant to the Resident in Mysore; references to a High Court as referring to the Court of the Resident in Mysore, and, except where the context or the modifications hereinafter referred to otherwise require references to British India or the territories subject to a Local Government as referring to the said Civil and Military Station of Bangalore :

Provided, secondly, that the further modifications and restrictions set forth in the said schedule shall be made in the said enactments as so applied :

Provided, thirdly, that for the purpose of facilitating the application of the said enactments, any Court in the said Civil and Military Station of Bangalore may construe the provisions thereof and any notifications, orders, rules, forms or bye-laws thereunder with such alterations, not affecting the substance, as may be necessary or proper to adapt the same to the matter before the Court.

Provided, fourthly, that subject to the provisions of this notification, the Resident in Mysore may direct by what officer any authority or power under the said enactments shall be exerciseable.

II The notifications of the Government of India in the Foreign Department mentioned in the second schedule* hereto annexed are hereby cancelled to the extent noted against each :

Provided that all civil and criminal proceedings pending at the date of this notification shall be carried on as if this notification had not been issued, but that, save as aforesaid, all proceedings commenced, officers appointed or authorized, jurisdictions or powers conferred or confirmed, notifications published, rules or bye-laws made, orders passed and things done under any of the enactments specified in the notifications hereby superseded in the said Civil and Military Station of Bangalore shall be, as far as may be, deemed to have been respectively commenced, appointed or authorized, conferred or confirmed, published, made, passed and done under the corresponding enactments specified in this notification.

* Not reprinted

FIRST SCHEDULE.

Enactments and laws applied.	Further modifications and restrictions.
1. The Succession (Property Protection) Act, 1841 (XIX of 1841).	1. References to "the Court of Sadr Diwani Adalat" or "the Sadr Diwani Adalat" shall be read as referring to the Court of the Resident in Mysore 2 In section 19 for the words "Governments of the respective presidencies" the words "Resident in Mysore" shall be substituted.
2. The Indian Copyright Act, 1847 (XX of 1847)	
3. The Judicial Officers' Protection Act, 1850 (XVIII of 1850)	
4. The Apprentices Act, 1850 (XIX of 1850).	1 The provisions of the Act shall be applicable only to European and Eurasian children 2. To section 3, the words "or required to find security for good behaviour," shall be added 3 Sections 5 and 22 shall be omitted 4. In sections 19, 20 and 21, for the words "executors or administrators" the words "legal representatives" shall be substituted 5 In Schedule A, for the words "executors and administrators" the words "legal representatives" shall be substituted, and the words and letters "and seals" and "L S" shall be omitted 6. In Schedule B, for the words "executors or administrators" the words "legal representatives" shall be substituted
5. The Caste Disabilities Removal Act, 1850 (XXI of 1850).	
6. The Indian Fatal Accidents Act, 1855 (XIII of 1855).	
7. The Workmen's Breach of Contract Act, 1859 (XIII of 1859).	1 The preamble and section 5 shall be omitted. 2. In section 1 for the words "any Presidency-town" the words "the Civil and Military Station of Bangalore" shall be substituted 3 References to "a Magistrate of Police" and "the Magistrate" shall be read as referring to the District Magistrate
8. The Societies Registration Act, 1860 (XXI of 1860).	In section 13, for the words "principal Court of original civil jurisdiction of the district in which the chief building of the society is situate," the words "Court of the District Judge of the Civil and Military Station of Bangalore" shall be substituted.
9. The Indian Penal Code, 1860 (XLV of 1860)	In section 75 the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore.
10. The Police Act, 1861 (V of 1861)	1 References to the Inspector General of Police and the Commissioner of the Division shall be read as referring to the Resident in Mysore. 2. Section 5 shall be omitted.
11. The Excise (Spirits) Act, 1863 (XVI of 1863).	
12. The Indian Succession Act, 1865 (X of 1865)	1 The provisions of the Act shall not be applicable to Native Christians 2. In section 3 the definition of "British India" shall be omitted.
13. The Native Converts' Marriage Dissolution Act, 1866 (XXI of 1866).	

FIRST SCHEDULE—*contd.*

Enactments and laws applied.	Further modifications and restrictions.
14. The Public Gambling Act, 1867 (III of 1867)	(1) The preamble, the first two paragraphs of section 1 and section 2 shall be omitted. (2) In section 5 for the words "Lieutenant-Governor or Chief Commissioner" and in section 17 for the words "Lieutenant-Governor or the Chief Commissioner as the case may be" the words "Resident in Mysore" shall be substituted.
15. The Press and Registration of Books Act, 1867 (XXV of 1867)	In sections 57, 74, 78 and 79 the words "British India" shall be read as referring to British India, the Civil and Military Station of Bangalore, and areas outside British India under the administration of the Governor-General in Council.
16. The Indian Volunteers Act, 1869 (XX of 1869)	1 The provisions of the Act shall be applicable only to marriages between persons one of whom is a Native Christian subject of Mysore, and neither of whom is a Christian British subject. 2. Sections 8, 28 to 36, 47 and 54 to 56 shall be omitted.
17. The Court-fees Act, 1870 (VII of 1870).	In section 3 the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore.
18. The Cattle-trespass Act, 1871 (I of 1871).	1. The preamble, the third clause of section 1, the definition of "committee" in section 2, and section 4 shall be omitted. 2. In section 3, for the words from "The Lieutenant-Governors" to "municipality may" and the words "such municipality," respectively, the words "The Municipal Commission of the Civil and Military Station of Bangalore" and "the said station" shall be substituted.
19. The Pensions Act, 1871 (XXIII of 1871)	3 In section 6—
20. The Indian Evidence Act, 1872 (I of 1872)	(i) the words and figure "or section 4" shall be omitted. (ii) to clauses (a) and (b) the words "under this Act or any similar law for the time being in force in Bangalore City" shall be added.
21. The Indian Contract Act, 1872 (IX of 1872)	
22. The Indian Christian Marriage Act, 1872 (XV of 1872).	
23. The Government Savings Banks Act, 1873 (V of 1873).	
24. The Indian Oaths Act, 1873 (X of 1873).	
25. The Indian Majority Act, 1875 (IX of 1875).	
26. The Specific Relief Act, 1877 (I of 1877)	
27. The Opium Act, 1878 (I of 1878).	
28. The Indian Treasure Trove Act, 1878 (VI of 1878).	
29. The Indian Arms Act, 1878 (XI of 1878).	
30. The Local Authorities' Loans Act, 1879 (XI of 1879).	
31. The Hackney Carriage Act, 1879 (XIV of 1879).	

FIRST SCHEDULE—*contd.*

Enactments and laws applied.	Further modifications and restrictions.
	<p>(iii) in clause (c) after the word "granted" the words "including the grounds on which they shall be liable to be revoked or suspended" shall be inserted</p> <p>4 In section 8 the words "in any municipality" and from "and in any" to the end shall be omitted</p> <p>5 The following shall be added as section 11 —</p> <p>"11 Any person using a hackney carriage and wilfully or negligently injuring the same shall, on conviction before a Magistrate, be punished with fine which may extend to twenty rupees and shall also pay to the owner such sum as compensation as the Magistrate may think fit, which shall be recoverable as if it were a fine."</p>
32. The Kazis Act, 1880 (XII of 1880).	
33. The Vaccination Act, 1880 (XIII of 1880).	<p>1. The second paragraph of section 1 and sections 3, 4, 5 and 20 shall be omitted</p> <p>2 In section 23, for the words "any municipality" the words "the Civil and Military Station of Bangalore" shall be substituted.</p>
34. The Probate and Administration Act, 1881 (V of 1881)	
35. The Municipal Taxation Act, 1881 (XI of 1881).	<p>1. In clause (a) of section 3, and in section 6, for the words "a municipality" the words "the Civil and Military Station of Bangalore" shall be substituted.</p> <p>2. In section 5, for the words "Local Government" the words "Governor General in Council" shall be substituted.</p>
36. The Negotiable Instruments Act, 1881 (XXVI of 1881).	<p>In section 11, the words, "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore.</p>
37. The Indian Trusts Act, 1882 (II of 1882).	<p>1. In section 20, clause (d), the words "British India" shall remain unmodified</p>
	<p>2. To section 20, clause (d), the words "in debentures or other securities of the Government of Mysore, or" shall be prefixed, and the words "or under the authority of the Governor General in Council" shall be added at the end of the clause</p> <p>3 In section 20, clause (e), and in section 73, the words "British India" shall be read as referring to British India and the territories of Mysore, including the Civil and Military Station of Bangalore.</p>
38. The Transfer of Property Act, 1882 (IV of 1882)	<p>In the definition of "registered" in section 3, and in section 52 the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore</p>
39. The Indian Companies Act, 1882 (VI of 1882).	<p>In section 172, the words "British India" where they first occur shall be read as referring to British India and the Civil and Military Station of Bangalore.</p>
40. The Land Improvement Loans Act, 1883 (XIX of 1883).	
41. The Indian Explosives Act, 1884 (IV of 1884).	<p>Section 2 shall be omitted.</p>
42. The Indian Telegraph Act, 1885 (XIII of 1885).	
43. The Indian Income tax Act, 1886 (II of 1886).	<p>1. Throughout the Act references to "the Commissioner" or "Commissioner of Division" or "the Commissioner of the Division" shall be construed as referring to the First Assistant to the Resident in Mysore.</p>

FIRST SCHEDULE—*contd.*

Enactments and laws applied.	Further modifications and restrictions.
	<p>2 In section 3, sub-section (5), the words from "and includes" to the end shall be omitted</p> <p>3 In sections 22 and 43, for the word "India" the words "the Civil and Military Station of Bangalore" shall be substituted</p> <p>4. Sections 47 and Article 2 of Part I of the Second Schedule shall be omitted</p>
44. The Provincial Small Cause Courts Act, 1887 (IX of 1887).	<p>1. Section 2 shall be omitted.</p> <p>2. To section 24 the following shall be added — "or, where the presiding Judge is the District Judge, to the Court of the Resident in Mysore"</p>
45. The Measures of Length Act, 1889 (II of 1889).	<p>1. The preamble, sub-sections (2) and (3) of section 1, and sections 3 and 7 shall be omitted</p> <p>2. For section 2 the following shall be substituted :— "2. The standard yard for British India shall be the legal standard measure of length in the Civil and Military Station of Bangalore and be called the standard yard."</p>
46. The Indian Merchandise Marks Act, 1889 (IV of 1889)	
47. The Succession Certificate Act, 1889 (VII of 1889).	<p>For section 17 the following shall be substituted — "17 Where a certificate in the form of the second schedule to this Act has been granted under the Succession Certificate Act, 1889, by a Court having jurisdiction under the Act in British India or under the Act as applied in any area outside British India which is under the administration of the Governor-General in Council, or where a certificate in the form, as nearly as circumstances admit, of the said schedule has been granted to a resident within a foreign State by the British representative accredited to the State, or where a certificate so granted has been extended in such form by such Court or by such representative, the certificate shall have the same effect as a certificate granted or extended under this Act."</p>
48. The Indian Official Secrets Act, 1889 (XV of 1889)	
49. The Revenue Recovery Act, 1890 (I of 1890).	<p>For section 8 the following shall be substituted :— "8 The provisions of this Act shall apply equally to— (a) the recovery in the Civil and Military Station of Bangalore of any arrear of land-revenue accruing, or sum recoverable as an arrear of land revenue and payable to a Collector or other public officer or to a local authority in any part of British India or in any local area which is not part of British India but which is under the administration of the Governor-General in Council, and to which the Revenue Recovery Act, 1890, has been applied; (b) the demand for the recovery in British India or in any such local area of any such arrear accruing, or sum, so recoverable and payable, in the said Station"</p>
50. The Charitable Endowments Act, 1890 (VI of 1890)	
51. The Guardians and Wards Act, 1890 (VII of 1890).	<p>References to "the Local Government" shall be read as referring to the Governor General in Council.</p>

FIRST SCHEDULE—*contd.*

Enactments and laws applied.	Further modifications and restrictions.
<p>52. The Indian Railways Act, 1890 (IX of 1890)</p> <p>53. The Prevention of Cruelty to Animals Act, 1890 (XI of 1890).</p> <p>54. The Bankers' Books Evidence Act, 1891 (XVIII of 1891)</p> <p>55. The Partition Act, 1893 (IV of 1893).</p> <p>56. The Land Acquisition Act, 1894 (I of 1894).</p> <p>57. The Crown Grants Act, 1895 (XV of 1895).</p> <p>58. The Excise Act, 1896 (XII of 1896).</p>	<p>After section 32 the following shall be inserted as section 32A —</p> <p>“ 32A. (1) The Resident in Mysore may—</p> <p>(a) establish or license bonded or other warehouses for the storage of spirit or fermented liquor, and</p> <p>(b) direct that, subject to such conditions (if any) as he may impose, the levy of the duty (if any) payable under this law on country spirit in transit to or from, or stored in, such warehouses shall be postponed until such time as may by rule be fixed in this behalf</p> <p>(2) When any warehouse has been established or licensed under sub-section (1), the provisions of sections 15 to 17 shall, so far as they can be made applicable, apply thereto as if the words ‘spirit or fermented liquor’ were substituted for the words ‘intoxicating drugs’ or ‘drugs’</p> <p>(3) The Resident in Mysore may, by notification in the official Gazette, make rules consistent with this law to carry into effect the provisions of this section ”</p>
<p>59. The Epidemic Diseases Act, 1897 (III of 1897)</p> <p>60. The Provident Funds Act, 1897 (IX of 1897.)</p> <p>61. The General Clauses Act, 1897 (X of 1897).</p> <p>62. The Code of Criminal Procedure, 1898 (V of 1898).</p>	<p>In section 3, clause (7), the words “British India” shall be read without any modification, but in any other enactment, where this definition would otherwise apply, the words shall be read, subject to the provisions of this notification.</p> <p>1. Sections 22 to 25 shall be omitted</p> <p>2. For section 30 the following shall be substituted —</p> <p>“ 30 The Resident in Mysore may, notwithstanding anything contained in section 29, invest the District Magistrate or any Magistrate of the first class with power to try as a Magistrate all offences not punishable with death ”</p> <p>3. In section 508, sub-section (1), after the words “such attendance and” the words “if such witness resides in any area to which this Code applies or in British India” shall be inserted</p> <p>4. Nothing in the Code as applied shall be deemed to apply to proceedings against European British subjects or persons charged jointly with European British subjects.</p>

FIRST SCHEDULE—*contd.*

Enactments and laws applied.	Further modifications and restrictions.
<p>63. The Indian Post Office Act, 1898 (VI of 1898).</p> <p>64. The Indian Stamp Act, 1899 (II of 1899).</p>	<p>1. In section 2, sub-section (16-A), the words "British India" shall be read as including the Civil and Military Station of Bangalore</p> <p>2 Sections 57, 58 and 59 shall be omitted.</p> <p>3 For section 60, sub-sections (1) and (2), the following shall be substituted, namely —</p> <p>"If any Court feels doubt as to the amount of duty to be paid in respect of any instrument under proviso (a) to section 35, the Judge may draw up a statement of the case and refer it, with his own opinion thereon, for the decision of the Court of the Resident in Mysore. The latter Court shall consider the case and send a copy of its decision to the Judge making the reference, who shall, on receiving such copy, dispose of the case conformably to such decision."</p>
<p>65. The Indian Petroleum Act, 1899 (VIII of 1899).</p> <p>66. The Indian Arbitration Act, 1899 (IX of 1899)</p> <p>67. The Church of Scotland Kirk Sessions Act, 1899 (XXIII of 1899).</p> <p>68. The Prisoners Act, 1900 (III of 1900).</p>	<p>Only the following sections shall apply as hereby modified :—</p> <p>"29. (1) The Governor-General in Council may, by general or special order, provide for the removal of any person —</p> <p style="padding-left: 40px;">Removal of prisoners.</p> <p style="padding-left: 40px;">(*) sentenced by a Court to—</p> <p style="padding-left: 80px;">(a) death</p> <p style="padding-left: 80px;">(b) imprisonment of transportation, or</p> <p style="padding-left: 80px;">(c) imprisonment in default of payment of fine, or</p> <p style="padding-left: 40px;">(ii) ordered by a Court to be imprisoned for default of giving security for keeping the peace or for maintaining good behaviour</p> <p>to any prison in British India.</p> <p>(2) With the sanction of the Governor-General in Council, the Resident in Mysore may, in like manner, provide for the removal of any person sentenced or ordered to be imprisoned as aforesaid to any prison in the Mysore State.</p> <p>30. (1) Where it appears to the Resident in Mysore that any person</p> <p style="padding-left: 40px;">Lunatic prisoners how to be dealt with. detained or imprisoned under any order or sentence</p> <p>of a Court is of unsound mind, the Resident may, by a warrant setting forth the grounds of belief that the person is of unsound mind, order his removal to a lunatic asylum or other place of safe custody in the Mysore State so appointed with the sanction of the Governor-General in Council there to be kept and treated as the Resident directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.</p>

FIRST SCHEDULE—*contd.*

Enactments and laws applied.	Further modifications and restrictions.
	<p>(2) Where it appears to the Resident in Mysore that the prisoner has become of sound mind, the Resident shall, by warrant directed to the person having charge of the prisoner, if still liable to be kept in custody, remand him to the prison from which he was removed or to any other prison as provided by section 29, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.</p> <p>(3) When a person is confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned, it shall be lawful for two or more visitors of the asylum, of whom one shall be a medical officer, by writing under their hands, to order that he shall be discharged, provided that notice of such order shall be immediately communicated to the Resident in Mysore.</p> <p>(4) The time during which a prisoner is confined in a lunatic asylum under sub-section (1) shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Court to undergo."</p> <p>For the purpose of these sections, as applied, "Court" means any officer or tribunal in the Civil and Military Station of Bangalore lawfully exercising criminal jurisdiction and includes a Justice of the Peace appointed by the Governor-General in Council within the Mysore State.</p>
69. The Indian Companies (Branch Registers) Act, 1900 (IV of 1900)	
70. The Indian Works of Defence Act, 1903 (VII of 1903)	
71. The Poisons Act, 1904 (I of 1904).	<p>1. To section 7, sub-section (1), clause (a), the words "sub-section (2) of section 10, or" shall be added.</p> <p>2. In section 10, sub-section (1), between the words "shall" and "extend" the words "save as provided for in sub-section (2) to this section" shall be inserted, and the following shall be added as sub-section (2), the existing sub-sections (2) and (3) being renumbered as (3) and (4) —</p> <p>"(2) Subject to the control of the Governor General in Council, the Resident in Mysore may, in the case of medical or veterinary practitioners or chemists or druggists vending any poisonous drugs to be specified by him in this behalf, make rules for—</p> <p>(a) the maintenance by them of registers of sales, the particulars to be entered in such registers and the inspection of the same,</p> <p>(b) the safe custody of such drugs and the labelling of the vessels, packages or coverings in which any such drug is sold or possessed for sale;</p> <p>(c) the inspection and examination of any such drugs when possessed for sale by any such persons."</p> <p>3. Section 11 shall be omitted,</p>
72. The Ancient Monuments Preservation Act, 1904 (VII of 1904)	
73. The Indian Coinage Act, 1906 (III of 1906).	
74. The Provincial Insolvency Act, 1907 (III of 1907).	

FIRST SCHEDULE—*contd.*

Enactments and laws applied.	Further modifications and restrictions.
75. The Code of Civil Procedure, 1908 (V of 1908).	<p>1 In section 2, sub-section (5), section 10 and rule 49, sub-rules (4) and (5), of Order XXI in the First Schedule, the words "British India" shall be read as referring to British India and the Civil and Military Station of Bangalore</p> <p>2. In the proviso to section 29, after the word "summonses" the words "are situate in British India or" shall be inserted</p> <p>For section 43 the following shall be substituted —</p> <p>3. '43. Any decree passed by a Civil Court in British India or by any Court established or continued by the authority of the Governor-General in Council may, if it cannot be executed within the jurisdiction of the Court by which it was passed, be executed in the manner herein provided within the jurisdiction of any Court in the Civil and Military Station of Bangalore"</p> <p>In section 45, after the words "any Court" the words "situate in British India or" shall be inserted</p> <p>5 In section 78, for clause (b) the following shall be substituted —</p> <p>"(b) Courts situate in British India or in any other part of the British Empire, or"</p> <p>6. To rule 25 of Order V in the First Schedule the following shall be added —</p> <p>"Provided that, if the defendant resides in British India, the summons may be sent for service to a Court (not being a High Court) having jurisdiction at the place where he resides and, if the Court returns the summons with an endorsement signed by the Judge or other officer of the Court that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be deemed to be evidence of service."</p> <p>7. The provisions of rule 48 of Order XXI in the First Schedule shall apply only to those cases in which the salary or allowances are payable in the Civil and Military Station of Bangalore.</p>
76. The Explosive Substances Act, 1908 (VI of 1908).	<p>In section 4, for the words "British India" in each place where they occur, the word "India" shall be substituted.</p>
77. The Indian Limitation Act, 1908 (IX of 1908).	<p>1. In section 13, "British India" shall be read as referring to British India and the territories of Mysore including the Civil and Military Station of Bangalore</p> <p>2 Sections 30 and the second schedule shall be omitted.</p> <p>3. For section 31, the following shall be substituted —</p> <p>"31. Notwithstanding anything contained in this Act, a suit for foreclosure or a suit for sale by a mortgagee instituted within sixty years from the date when the money secured by the mortgage became due and pending at the date of this notification in a Court either of first instance or of appeal shall not be dismissed on the ground that a twelve years' rule of limitation is applicable"</p>
78. The Indian Registration Act, 1908 (XVI of 1908).	<p>1. In section 33, the words "British India" shall remain unmodified</p> <p>2 In section 33, sub-section (1), after the words "executing the power of attorney resides" in clause (a) and after the words "does not reside" in clause (c), the words "in the Civil and Military Station of Bangalore or" shall be added.</p> <p>3. Section 67 shall be omitted.</p>

FIRST SCHEDULE—*contd.*

Enactments and laws applied.	Further modifications and restrictions.
<p>79 The Whipping Act, 1909 (IV of 1909)</p> <p>80. The Indian Paper Currency Act, 1910 (II of 1910)</p>	<p>Section 6 shall be omitted</p> <p>Only the following sections shall apply as hereby modified —</p> <p>“15 A universal currency note¹ for the time being of British India and any currency note of the Madras circle of issue as established for the time being under the Indian Paper Currency Act, 1910, shall be a legal tender for the amount expressed in the note in payment or on account of—</p> <p>(a) any revenue or other claim to the amount of five rupees or upwards due to Government, and</p> <p>(b) any sum of five rupees or upwards due by Government or by any body corporate or person</p> <p>26. No person shall draw, accept, make or issue any bill of exchange, hundi, promissory note or engagement for the payment of money payable to bearer on demand, or borrow, owe or take up any sum or sums of money on the bills, hundis or notes payable to bearer on demand, of any such person</p> <p>Provided that cheques or drafts, payable to bearer on demand or otherwise, may be drawn on bankers, shroffs or agents by their customers or constituents, in respect of deposits of money in the hands of those bankers, shroffs or agents and held by them at the credit and disposal of the persons drawing such cheques or drafts.</p> <p>27(1) Any person contravening the provisions of section 26 shall, on conviction by a Magistrate of the first class, be punishable with a fine equal to the amount of the bills, hundi, note or engagement in respect whereof the offence is committed.</p> <p>(2) Every prosecution under this section shall be instituted by a person empowered in this behalf by the Resident in Mysore with the sanction of the Governor General in Council.”</p>
<p>81. The Indian Electricity Act, 1910 (IX of 1910).</p>	<p>1. Section 1, sub-section (3) shall be omitted</p> <p>2 In section 3, the term “person” shall be deemed to include the person holding for the time being the office of Chief Electrical Engineer to the Mysore Government, or other officer designated from time to time in this behalf by the Mysore Government, with the approval of the Resident.</p>
<p>82. The Indian Anships Act, 1911 (XVII of 1911).</p>	<p>1 Section 1, sub-section (3) and section 4, sub-section (2) shall be omitted.</p> <p>2 In section 6 after the words “any rule made” the words “or notification issued” shall be inserted</p>
<p>83. The Indian Lunacy Act, 1912 (IV of 1912).</p>	<p>1. For section 3, clause (1), the following shall be substituted —</p> <p>“(1) ‘Asylum’ means an asylum for lunatics established or licensed by the Resident in Mysore in the Civil and Military Station of Bangalore or appointed by the Resident with the sanction of the Governor-General in the Mysore State or appointed by the Governor-General in Council by general or special order in British India.”</p>

¹ For the universalisation of Rs. 100 notes see notification No. 2064-F., dated the 1st April 1911, *Gazette of India*, 1911, Pt. I, p. 238.

FIRST SCHEDULE—*concl'd.*

Enactments and laws applied.	Further modifications and restrictions.
<p>84. The Provident Insurance Societies Act, 1912 (V of 1912).</p> <p>85. The Wild Birds and Animals Protection Act, 1912 (VIII of 1912)</p>	<p>2 Sections 14, 15 and 67 shall be subject to the proviso that, if a lunatic is an inhabitant of a Native State, the Magistrate or Judge, as the case may be, may make him over to the care of such State with his consent and, in the case of an order under section 67, with the consent of the person on whose application the inquisition was instituted</p> <p>3 In section 31, sub-section (1), for the word "Three" the words "Two or more" shall be substituted.</p> <p>4. For section 84 the following shall be substituted :— "84 The Resident in Mysore may establish or license the establishment of asylums in the Resident in Mysore may establish or license the establishment of asylums or may appoint an asylum in the Mysore State Civil and Military Station of Bangalore or with the sanction of the Governor-General in Council may appoint an asylum in the Mysore State."</p> <p>5 In section 85, for the words "in any province" and "in any other province" respectively, the words "in the Civil and Military Station of Bangalore" and "outside the said Station" shall be substituted.</p>

Acts of the Governor of Fort Saint George in Council.

<p>86. The Madras Revenue Summonses Act, 1869 (III of 1869)</p> <p>87. The Places of Public Resort Act, 1888 (Madras Act II of 1888).</p>	<p>For the word "Tahsildars," wherever it occurs, the word "Amildars" shall be substituted.</p> <p>1 For section 1, sub-section (3), the following shall be substituted — "(2) It shall come into force on the first day of January 1913. "(3) It extends to the Civil and Military Station of Bangalore as defined for the time being under the Bangalore Municipal Law, 1897"</p> <p>2. After section 3 the following proviso shall be added :— "Provided that the Resident in Mysore may, by order, exempt from the operation of this section any such enclosed place or building either generally or with reference to its use for any particular entertainment or class of entertainment"</p> <p>3. For section 5 the following shall be substituted :— "Such application shall be made to the District Magistrate."</p> <p>4. In section 6 for the words "shall inspect" the words "may inspect" shall be substituted</p> <p>5 In sections 7 and 14 for the words "Governor in Council" the words "Resident in Mysore" shall be substituted. and in section 14 the words from "All such rules" to the end shall be omitted</p>
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VI.—Orders relating to Courts.

No. 1431-I., dated the 27th April 1893.—Printed in Appendix XIII.

British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India

No. 1863-I. A., dated the 13th May 1904.—Printed in Appendix IV.

Criminal law and procedure of British India applicable to British subjects in Native States

No. 853-I. B., dated the 16th April 1913 —Printed in Appendix IV.

Jurisdiction of the High Court at Madras over European British subjects in Mysore including the Civil and Military Station of Bangalore

No. 2616-I., dated the 6th August 1890.—Printed in Appendix IV.

Justices of the Peace to commit for trial to the High Court having jurisdiction.

No. 680-I. B., dated the 19th March 1912.—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.

No. 159-I. J., dated the 21st July 1881.

No. 12-I., dated the 3rd January 1884.

No. 955-I., dated the 18th March 1884.

}—Printed in Appendix IV.

Appointments of Justices of the Peace for Mysore including the Civil and Military Station of Bangalore.

Constitution of Civil Courts.

No. 734-D., dated the 19th March 1913.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to provide as follows for the administration of civil justice within the Civil and Military Station of Bangalore:—

1. There shall be a District Court within the meaning of the Code of Civil Procedure, 1908, presided over by a District Judge to be appointed by the Governor General in Council, with jurisdiction in all original suits whatever be the amount or value of the subject-matter and in all other cases in which jurisdiction is conferred on the District Court by the law for the time being in force in the said Civil and Military Station.

2. Appeals, provided for by the enactments for the time being in force in the said Civil and Military Station, from the decrees and orders of the said District Court shall lie to the Resident in Mysore who shall

exercise the powers of a High Court for all purposes whatsoever connected with the administration of civil justice within the said Civil and Military Station.

II. [*Notifications cancelled*—not re-printed.]

[*Gazette of India*, 1913, Pt. I, p. 257.]

Small Cause Court.

No. 18, dated the 26th March 1913.—In exercise of the powers conferred by sections 5 and 6 of the Provincial Small Cause Courts Act, 1887 (IX of 1887) as applied to the Civil and Military Station of Bangalore, and with the previous sanction of the Governor-General in Council, the Resident in Mysore is pleased.—

- (a) to establish a Court of Small Causes in the said Civil and Military Station ;
- (b) to direct that the local limits of the jurisdiction of the said Court shall be the limits for the time being of the said Station, and
- (c) to appoint as Judge of the said Court, the officer for the time being holding the appointment of District Judge in the said Station.

[*Gazette of India*, 1913, Pt. II, p. 671.]

High Court.

Criminal Courts.

No. 733-D., dated the 19th March 1913.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902 and of all other powers enabling him in that behalf, the Governor General in Council is pleased to direct, in supersession of all previous notifications to that effect, that for the purposes of criminal jurisdiction within the Civil and Military Station of Bangalore the Resident in Mysore shall exercise the powers of a High Court as defined in the Code of Criminal Procedure, 1898, except in proceedings against European British subjects or persons jointly charged with European British subjects.

[*Gazette of India*, 1913, Pt. I, p. 257.]

Courts of Session and Sessions Judge.

Extended powers of District Magistrate.

No. 5821, dated the 31st October 1898.—Under Sections 7, 9 and 30 of the Code of Criminal Procedure, 1898 (Act V of 1898), as applied to the Civil and Military Station of Bangalore by Notification No. 2688-I.A. dated the 7th October 1898, of the Government of India in the Foreign

¹ See now notification No. 732-D., dated the 19th March 1913, paragraph II of which keeps this notification in force. Printed *supra*, p. 390.

Department, the Resident in Mysore is pleased to issue the following notification which shall have effect from the first day of November 1898 :—

For the purposes of the said Code the Civil and Military Station of Bangalore is declared to be a Sessions Division. There shall be a Court of Session for such division, and the First Assistant to the Resident for the time being is appointed to be the Judge of such Court.

The officer¹ for the time being exercising within the Civil and Military Station of Bangalore the powers of a District Magistrate shall have power to try as a Magistrate all offences not punishable with death.

[*Gazette of India*, 1898, Pt. II, p. 1255]

No. 3647-350-90, dated the 3rd November 1890.—This notification supersedes notification No. 2971-3509, dated the 9th September 1890.

Appointment and powers of Bench of Magistrates.

Under section 14 of the Code of Criminal Procedure, the undermentioned gentlemen are appointed to be special Magistrates for the Civil and Military Station of Bangalore.

*	*	*	*	*	*	*
*	*	*	*	*	*	*

2. These Magistrates shall sit as a Bench with the powers of a magistrate of the second class to try all offences under the Indian Penal Code which such a magistrate can try, offences against the Municipal Regulations and Bye-laws, offences falling under section 34 of the Police Act, V of 1861, and offences under Act XIII of 1880 (The Vaccination Act).

3. Under the provisions of section 261 of the Code of Criminal Procedure, the said Bench is invested with power to try summarily all or any of the offences described in that section.

4. Under the provisions of section 191 of the Criminal Procedure Code, the said Bench is empowered to take cognizance, under clauses (a) and (b) thereof, of offences against the Municipal Regulations and Bye-laws, offences against section 34 of the Police Act, V of 1861, and offences under Act XIII of 1880 (The Vaccination Act).

5. Under the provisions of section 265 of the said Code, the said Bench is further empowered to prepare the record of cases tried summarily by them

¹ The appointment is made personally and therefore is not included among these notifications.

by means of any clerk who may be deputed by the Magistrate of the District to perform such duty.

[*Gazette of India*, 1890, Pt. II, p. 697]

Term of office of
Bench of Magistrates.

No. 4081, dated the 13th September 1899.—Under the provisions of section 14, sub-section (2) of the Code of Criminal Procedure (Act V of 1898) as applied to the Civil and Military Station of Bangalore, the Officiating Resident is pleased to direct—

- (1) that the term of office of the present Special Magistrates constituting the Bench for the said Station shall terminate at the end of the current calendar year, and
- (2) that in future the appointments of such Magistrates shall cease on the expiry of five years from the date on which the appointments are made.

[*Gazette of India*, 1899, Pt. II, p. 1065.]

Procedure of Bench
of Magistrates.

No. 2972-3509, dated the 9th September 1890.—Under section 16 of the Code of Criminal Procedure and in supersession of notification No. 3208-3838, dated the 24th September 1888, the Resident in Mysore issues the following rules for the guidance of the Bench of Magistrates constituted under notification¹ No. 2971-3509, dated the 9th September 1890.

1. The Bench shall sit on three days in the week, *viz.*, on Monday, Wednesday and Friday at such time as the District Magistrate may fix. The sitting shall be held in such public place as the District Magistrate may appoint.

2. The following special Magistrates

* * * * *

shall be the Chairmen of the Bench, and each Chairman shall preside in rotation at the Bench meetings. The Bench shall not consist of more than four members (including the Chairman) at a time and the Chairman with one other Special Magistrate shall form the quorum. The special Magistrates will sit in the rotation arranged by the District Magistrate.

3. The Bench may hold one or more adjourned sittings if this be found necessary for the disposal of business or part-heard cases. Provided that if any case is adjourned and the members at the adjourned sessions are not the same as sat at the first hearing of the case, the provisions of section 350 of the Criminal Procedure Code will be held to apply to the case.

¹ Superseded by notification No. 3647-350-90, dated the 3rd November 1890. Printed *supra*, p. 403

4. The Chairman shall conduct the proceedings of the Court and shall exercise all the functions in that behalf usually exercised by a Magistrate when sitting alone. He shall decide upon the admissibility of evidence and maintain order in the Court, but it shall be open to any member of the Bench to put any question to the parties or witnesses either direct or through the Chairman, as the latter may deem advisable, and to suggest any matter for the Chairman's consideration.

5. In the trial of ordinary cases the Chairman shall generally record the evidence and judgment, but such duty may, with his consent, be performed by any one of his colleagues.

In the trial of summary cases, where the Bench has been invested with summary powers, the necessary record shall be prepared by the Chairman or one of his colleagues, or by means of the Clerk of the Court, but in every case the record must be signed by each member of the Bench who is present.

6. Each member of the Bench shall have a voice in the finding and sentence, which shall be signed by the Chairman and by the members present.

In regard to the finding, when the number of members is uneven, the opinion of the majority shall prevail; when the number is even, and the members are equally divided, the accused shall get the benefit of the doubt.

In regard to the sentence, the opinion of the majority shall prevail; when the members are equally divided, the Chairman shall have the casting vote: when the opinions of members are all different (as in a full Bench of three members), the opinion of the Chairman shall prevail.

[Provided that the Bench shall have power to refer for the opinion of the District Magistrate any point of law arising in any case pending before it, and that, upon receipt of such a reference, the District Magistrate shall certify his opinion to the Bench, which shall thereupon dispose of the case in conformity with the said opinion.]¹

7. The District Magistrate may make over to the Bench for trial such cases, as he thinks fits, in which the accused persons are charged with offences under the Indian Penal Code.

8. No Bench shall take cognizance of any offence committed by any European British subject or Government officials other than menial servants. Any such case shall be forwarded to the District Magistrate for disposal.

[*Gazette of India*, 1890, Pt. II, page 576.]

¹ Inserted by notification No. 48, dated the 4th September 1911.

English to be the
language of the
Bench of
Magistrates.

No. 3664—3838, dated the 2nd November 1888.—Under the provisions of section 556, Criminal Procedure Code,¹ the Resident in Mysore is pleased to declare English to be the language of the Court of the Bench of Special (Honorary) Magistrates appointed by notification² No. 3207—3838, dated the 24th September 1888

[*Gazette of India*, 1888, Pt. II, p. 517.]

Mode of inflicting
whipping

No. 60, dated the 26th August 1909.—Under section 392 of the Criminal Procedure Code, Act V of 1898, as in force in the Civil and Military Station of Bangalore, the Resident is pleased to direct that the punishment of whipping, in the case of a person of, or over, 16 years of age, shall be inflicted on the posteriors with a light rattan not less than half an inch in diameter, and that care shall be taken that the person undergoing the punishment is tied up to a triangle or that his immobility under punishment is otherwise secured, in order to preclude the possibility of the rattan falling on any other part of the body.

In the case of a person under 16 years of age, the punishment shall be inflicted on the posteriors with a lighter rattan, which should be about $\frac{3}{8}$ th inch thick and not exceed $\frac{1}{2}$ inch in diameter, the person undergoing the punishment being so secured as to preclude the possibility of the rattan falling on any other part of the body.

2. Judicial floggings shall be inflicted in private, either at a jail or in an enclosure near the court house.

Whenever it is possible to do so, Magistrates shall secure the presence of a Medical Officer at the flogging.

The practice shall invariably be adopted of spreading, over the prisoner's buttocks, during the operation, a thin cloth soaked in an antiseptic. This antiseptic may be either a solution of perchloride of mercury of the strength of 1 in 2000 (one in two thousand) or a carbolic lotion of the strength of 1 in 40 (one in forty).

Officer to examine
accused persons
believed to be of
unsound mind.

No 1661—34286, dated the 11th May 1894.—The Superintendent of the Lunatic Asylum at Bangalore is, with the consent of the Government of Mysore, appointed to be the Medical officer to whom accused persons should be sent by the Magistrates in the Civil and Military Station of Bangalore under section 464 of the Criminal Procedure Code¹ for examination as to unsoundness of mind.

[*Gazette of India*, 1894, Pt. II, p. 475]

¹ See now the Code of Criminal Procedure, 1898, as applied. *Supra*, p 395

² Superseded by notification No. 3647-350-90, dated the 3rd November 1890. Printed *supra*, p 403

No. 3030—124-92, dated the 14th September 1892—Under section 492 of the Criminal Procedure Code,¹ the Resident in Mysore appoints the Prosecuting Inspector of the Municipality, Civil and Military Station of Bangalore, to be a public prosecutor in the said Station to conduct prosecutions in cases instituted under the Municipal Regulations and Bye-laws.

[*Gazette of India*, 1892, Pt. II, p. 641]

No. 1493—7296, dated the 9th May 1887.—In exercise of the power conferred by section 495 of the Code of Criminal Procedure,¹ 1882, as amended by section 13 of Act X of 1886, the Resident in Mysore is pleased, with the previous sanction of the Governor General in Council, to prescribe the rank of Chief Constable as the rank below which Magistrates enquiring into or trying cases in the Civil and Military Station of Bangalore may not permit Police officers to conduct prosecutions.

[*Gazette of India*, 1887, Pt. II, p. 269.]

No. 17, dated the 10th September 1883.—Under the provisions of section 544 of Act X of 1882 (the Code of Criminal Procedure),¹ the Resident in Mysore, with the sanction of the Government of India, has been pleased to pass the following rules for regulating the payment, on the part of Government, of the expenses of complainants and witnesses attending for the purpose of any enquiry, trial or other proceeding before the Criminal Courts in the Civil and Military Station of Bangalore

1. The Criminal Courts are authorized to pay at the rate specified in rule III, the expenses of complainants and witnesses in cases in which the prosecution is instituted or carried on by, or under the orders, or with the sanction of, the Government, or of any Judge, Magistrate or other public officer, or when it shall appear to the Judge or Magistrate presiding over such Courts, to be directly in furtherance of the interests of public justice, also in cases entered in column V of Schedule II appended to the Code of Criminal Procedure¹ as not bailable; and in all cases in which the witnesses are compelled to attend by a Magistrate under the provisions of section 540, Chapter XLVI of the Code.

2. For the purposes of these rules, Europeans, East Indians and Natives shall be divided into three classes, and the Judge or Magistrate before whom they are required to appear, either as complainants or witnesses, shall be careful to fix the class with due regard to the station in life occupied by each complainant or witness.

¹ See now the Code of Criminal Procedure, 1898, as applied *Supra* p. 395.

3. Travelling allowance, carriage allowance¹ and batta shall be paid at the rates specified below:—

	EUROPEANS AND EAST INDIANS.			NATIVES.		
	1st class.	2nd class	3rd class.	1st class	2nd class.	3rd class
Travelling allowance—						
By rail	1st class fare.	2nd class fare	3rd class fare.	1st class fare.	2nd class fare.	3rd class fare.
By road	8 as per mile	4 as per mile	2 as per mile.	6 as. per mile	2 as per mile.	2 as. per [10 miles or fraction thereof].
By sea or canal .	Actual expenses of passage					
[Carriage allowance for a day of actual attendance	Rs 3 per day.	Rs 2 per day.	Re 1 per day.	Rs. 2 per day.	Re 1 per day.	Nil] ¹
Batta not to exceed .	Rs 3 per day.	Re 1 per day.	8 as per day.	Re 1 per day	8 as per day	4 as per day.

4. The distance for which mileage and the number of days for which batta should be allowed for the journey to and from the station at which the Court is held and for attendance at Court, shall be determined by the Judge or Magistrate ordering the payment in each case.

5. All bills for travelling allowance and batta to complainants and witnesses attending before the Courts of the Magistrates of the 2nd or 3rd class shall be scrutinized by the District Magistrate before the charges included in them are finally passed.

6. Whenever a Magistrate dismisses a case as frivolous or vexatious under section 250 of the Code of Criminal Procedure, no travelling allowance or batta shall be granted to the complainant in such case.

[*Gazette of India*, 1883, Pt. II, p. 508.]

Rules regarding the trial of persons subject to military law by the ordinary Criminal Courts or by Court-martial.

No. 1294-I.A., dated the 3rd April 1902.—In exercise of the power conferred by section 549 of the Code of Criminal Procedure, 1898 (Act V of 1898), as applied to the Civil and Military Station of Bangalore, the Governor General in Council is pleased to make the following rules as to cases in

¹ Inserted
² Substituted } by notification No. 5423, dated the 10th September 1910.

which persons subject to military law shall be tried by a Court to which the said Code applies, or by a Court-martial, namely :

1. Where a person subject to military law is brought before a Magistrate and charged with an offence for which he is liable under the Army Act, section 41, to be tried by a Court-martial, such Magistrate shall not proceed to try such person, * *
 * * *¹ or to inquire with a view to his commitment for trial by the Court of Session or the Court of the Resident in Mysore for any offence triable by such Court, unless—
 (a) he is of opinion, for reasons to be recorded, that he should so proceed without being moved thereto by competent military authority, or
 (b) he is moved thereto by such authority.
2. Before proceeding under rule 1, clause (a), the Magistrate shall give notice to² [the commanding officer of the accused] ; and, until the expiry of a period of³ [five] days from the date of the service of such notice, he shall not—
 (a) acquit or convict the accused under sections 243, 245, 247 or 248 of the Code of Criminal Procedure, 1898 (Act V of 1898), or hear him in his defence under section 244, or
 (b) frame in writing a charge against the accused under section 254 ; or
 (c) make an order committing the accused for trial by the Resident in Mysore or the Court of Session under section 213 or 214 ;
 * * * *
3. Where within the period of³ [five] days mentioned in rule 2, or at any time thereafter before the Magistrate has done any act or issued any order referred to in rule 2, clauses (a) to (c)² [the commanding officer of the accused] gives notice to the Magistrate that, in the opinion of competent military authority, the accused should be tried by a Court-martial, the Magistrate shall stay proceedings and, if the accused is in his power or under his control, shall deliver him, with the statement prescribed by section 549, to the authority specified in the said section.

¹ Repealed } by notification No. 3102-I.A., dated the 25th July 1902 *Gazette of India*,
 Substituted } 1902, Pt I, p 545
² Substituted by notification No. 4641-I.B., dated the 7th October 1903. *Gazette of India*,
 1903, Pt. I, p. 891.

4. Where a Magistrate has been moved by competent military authority under rule 1, clause (b), and ¹ [the commanding officer of the accused] subsequently gives notice to such Magistrate that in the opinion of such authority, the accused should be tried by a Court-martial, such Magistrate, if he has not before receiving such notice done any act or issued any order referred to in rule 2, clauses (a) to (c), shall stay proceedings and, if the accused is in his power or under his control, shall in the like manner deliver him, with the statement prescribed in section 549, to the authority specified in the said section.
- 5 Where an accused person, having been delivered by the Magistrate under rule 3 or 4, is not tried by a Court-martial for the offence of which he is accused, or other effectual proceedings are not taken, or ordered to be taken, against him, the Magistrate shall report the circumstance to the Resident at Mysore.

[*Gazette of India*, 1902, Pt. I, p. 260.]

Disposal of appeals
from prisoners in
jail.

No. 8, dated the 6th August 1906.—Under section 554(2) (c) of the Code of Criminal Procedure (Act V of 1898) as applied to the Civil and Military Station of Bangalore, the Resident hereby directs that the following rule be observed in the disposal of petitions of appeal from prisoners undergoing sentence in jail :—

No appeal forwarded from jail under section 420 of the Code shall be summarily rejected until seven days have elapsed after its receipt and in forwarding such an appeal, the officer in charge of the jail should invariably certify that the appellant has been informed that, if he intends to appoint a pleader, an appearance must be put in within that time :

Provided that nothing in this rule shall oblige the Appellate Court to wait for the full period of seven days, if the appellant has appeared and been heard in person or by pleader within that period.

[*Gazette of India*, 1906, Pt. II, p. 1060.]

Submission of
returns by Criminal
Courts of the Civil
and Military Station.

No. 9, dated the 5th March 1907 —Not reprinted.

[*Gazette of India*, 1907, Pt II, p. 434]

¹ Substituted by notification No. 3102-I.A, dated the 25th July 1902. *Gazette of India*, 1902, Pt I, p. 545.

No. 10, dated the 15th June 1908.—Not reprinted.

[*Gazette of India*, 1908, Pt. II, p. 1035.]

Forms for registers
of criminal cases and
appeals.

No. 43, dated the 25th July 1907.—Printed Volume III, page 733.

Rules for the
disposal of records
in Criminal Courts.

No. 62, dated the 9th July 1910.—In exercise of the power conferred by sub-section 2 of section 55 of the Code of Civil Procedure, 1908 (Act No. V of 1908), as applied to the Civil and Military Station of Bangalore, the Resident in Mysore is pleased to direct that before a warrant is issued by the District Court of the said Civil and Military Station for the arrest of a person in the employment of the Telegraph Department, seven clear days' notice shall be given to the Superintendent of Telegraphs, Bangalore Division.

Restrictions on the
arrest of telegraph
employés in the
execution of decrees.

[*Gazette of India*, 1910, Pt. II, p. 1059.]

No. 1619-1959, dated the 15th May 1889—Under the provisions of ¹section 539 of the Code of Civil Procedure the Resident in Mysore is pleased to appoint the Collector of the Civil and Military Station of Bangalore to be the officer to exercise the powers conferred by that section on the Advocate General.

Exercise of powers
of Advocate General
in suits relating to
public charities.

[*Gazette of India*, 1889, Pt. II, p. 294.]

No. 1, dated the 5th October 1900—Under ²sections 287 and 652 of the Code of Civil Procedure as applied to the Civil and Military Station of Bangalore, the Honourable the Resident has made the following rule:—

Notice to be given
by Courts to the
District Magistrate
of guns and other
arms sold in
execution of decrees

Whenever guns or other arms in respect of which licenses have to be taken by purchasers under the Indian Arms Act, XI of 1878, are sold by public auction in execution of decrees, the Court directing the sale shall give due notice to the District Magistrate of the names and addresses of the purchasers and of the time and place of the intended delivery to the purchasers of such arms, so that proper steps may be taken by the police to enforce the requirements of the Indian Arms Act.

[*Gazette of India*, 1900, Pt. II, p. 1156.]

No. 3, dated the 10th January 1901.—With a view to simplifying the present procedure in regard to the recovery of decree debts by the attachment of a moiety of the pay of military and other public officers, the Hon'ble the Resident is pleased to make and issue the following rules, under ²section 652

Procedure of Civil
Courts in the
attachment of pay
in the execution of
decrees.

¹ See now sections 92 and 93 } of the Code of Civil Procedure, 1908 (V of 1908), as applied.
² See now section 125 } *Supra*, p. 398.

of the Code of Civil Procedure (Act XIV of 1882), for regulating the practice of the Subordinate Courts in the Civil and Military Station of Bangalore.

1. If the amount attached be not paid into Court by the disbursing officer within a reasonable time after the pay shall have become due to the judgment-debtor, the Court shall, of its own motion and without requiring the judgment-creditor to make a formal stamped application for that purpose write to the disbursing officer asking him to forward the amount to Court.

2. The amount attached shall be received when sent by the disbursing officer without further formalities, and no stamped application asking the Court to receive it shall be required.

[*Gazette of India*, 1901, Pt. II, p. 75]

Officers to whom orders of attachment of salary or allowances of Civil and Military officers are to be sent.

No. 31, dated the 23rd March 1910.—In pursuance of Order XXI, rule 48, sub-rule (1), of the rules in the First Schedule to the Code of Civil Procedure, 1908 (V of 1908), as in force in the Civil and Military Station of Bangalore, the Hon'ble the Resident in Mysore is pleased to direct that notices of orders attaching the salary or allowances of the undermentioned officers in the Civil and Military Station of Bangalore, shall be sent to the officer respectively specified against them—

Officers whose pay or allowances are attached.

Officer to whom notice shall be given.

(1) Military officers in military employ serving in the Civil and Military Station of Bangalore

Deputy Controller of Military Accounts of 9th (Secunderabad) Division.

(2) Non-gazetted Civil officers under the Mysore Residency.

Head of the Office in which the officer concerned is serving.

(3) Gazetted officers, both Civil and Military, in civil employ under the Mysore Residency.

Accountant-General, Madras.

[*Gazette of India*, 1910, Pt. II, p. 515.]

Rules for the maintenance and custody of live stock attached in execution of decrees of Civil Courts.

¹ *No. 302, dated the 3rd March 1880.*—Under ² Section 269 of the Code of Civil Procedure, the Chief Commissioner has been pleased to make the following rules for the maintenance and custody of live stock attached in execution of decrees of the Civil Courts.—

I. All live stock attached in execution of decrees shall ordinarily be

¹ These rules were made for the Mysore State. On its rendition and the assignment of the Civil and Military Station they were kept in force in the latter area by clause (1) of notification No 126-G.P., dated the 28th April 1881. Printed *infra*, p. 416, footnote 3

² See now section 128 of the Code of Civil Procedure, 1908 (V of 1908), as applied. *Supra*, p. 398.

under the care of the Nazir of the Court, who shall appoint, on his own responsibility, one of the process-serving peons to take charge of them. If the services of a peon are not at any time available, an additional peon may be appointed under paragraph 4 of the rules published by the notification ¹No. 262, dated 10th January 1880. But the additional fee imposed by clause (2) of the schedules to the rules published by the ²notification No. 261 of the same date, will in all cases be levied after the expiration of five or ten days according to the grade of the Court.

- II. If there be a pound, commodious and sheltered, within easy reach of the attaching Court, the cattle may be kept there, under the responsibility of the Nazir and the pound-keeper shall receive the fee of two annas per diem for the custody of as many cattle as may be attached under each warrant. The sums so paid shall be debited to the surplus proceeds of the process fees levied under the rules cited above.
- III. If the pound be not conveniently situated, or if it be not commodious and sheltered, a covered shed shall be erected in the vicinity of the Court for the custody of attached cattle. The cost thereof not exceeding Rs50 shall be debited to surplus proceeds under the process serving rules.
- IV. The rates for the maintenance, independent of the custody, of attached cattle shall be as follows.—
 - ³[(a) For horses and full grown cows and buffaloes at four to eight annas per head as the Judge may in each case direct.
 - (b) For young calves and donkeys at one anna to an anna and a half per head as the Judge may in each case direct.
 - (c) For sheep and goats at half an anna to one anna per head as the Judge may in each case direct]
- V. These rates shall be paid to the Nazir in advance by the attaching creditor, but shall, if the cattle are sold, be deducted from the proceeds of sale, and if the cattle are released from attachment under Section 280 of the Code of Civil Procedure, shall be paid by the person at whose application the cattle are released.

¹ Printed Vol III, p. 365.

² Printed Vol III, p. 362.

³ Substituted by notification No. 2435, dated the 5th June 1897. *Gazette of India*, 1897, Part II, page 727.

- VI. If the cattle be attached at a place distant more than 10 miles from the Court house, the cattle may be left in charge of the Village Patel, to whom shall be paid the sum necessary for the maintenance of the cattle calculated at the rates specified above, and also an additional fee debitable to the process fee surplus proceeds for the custody of the cattle, calculated at the rate of 2 annas per diem. The sums necessary for maintenance of the cattle shall be advanced by the attaching creditor and recovered in the manner specified in rule 5. And the Village Patel shall be held responsible in the sums so paid to him for the production of the cattle at the place and time appointed for the sale thereof.
- VII. Or if the judgment-debtor can give security to the satisfaction of the Court for the value of the attached cattle they may be left in his custody, and he shall be responsible in that amount for their production on the day and at the place appointed for the sale.
- VIII. It shall be understood that the only cash payments required from the attaching creditors under these rules shall be the sums required for the maintenance of the attached cattle at the rates specified in rule 4 to be recovered as stated therein. The other sums required as fees for the custody of the cattle shall be covered by the fee paid in court fee stamps on the warrant of attachment.
- [*Mysore Gazette*, 1880, Part I, page 88]

Administration of
oaths in the case of
affidavits.

No. 620, dated the 16th March 1886—The Civil and Sessions Judge of the Civil and Military Station of Bangalore is hereby empowered under ¹ section 197, clause (c) of the Code of Civil Procedure (Act XIV of 1882) to appoint an officer of his court to administer the oath of the declarant in the case of affidavits under the said Code.

[*Gazette of India*, 1886, Pt. II, p. 1321, ¹

Rules for the
disposal of records
in Civil Courts.

No. 6603, dated the 17th December 1900.—Printed Volume III, page 730.

¹ See now section 139 of the Code of Civil Procedure, 1908 (V of 1908), as applied. *Supra*, p. 398.

No. 786-I.B., dated the 9th April 1913.—Printed in Appendix XII-A.

Courts in British India empowered to send summonses under the Code of Civil Procedure and decrees to the District Court and the Small Cause Court in the Civil and Military Station for service and execution.

²*No. 1366-I., dated the 29th March 1889.*

²*No. 1367-I., dated the 29th March 1889.*

No. 1368-I., dated the 29th March 1889.

No. 2182-I., dated the 2nd July 1890.

No. 397-I.B., dated the 25th February 1910.

—Printed in Appendix XII-A.

Service by the said Courts in the Civil and Military Station of summonses

(a) of Civil or Revenue Courts in British India.

(b) of other Courts established or continued by the Governor General in Council.

(c) of Civil or Revenue Courts of Mysore, Hyderabad, Central India States, States in the political control of the Bombay Government and Baroda.

³*No. 1363-I., dated the 29th March 1889.*

No. 1364-I., dated the 29th March 1889.

No. 4051-I.A., dated the 18th September 1902.

No. 399-I.B., dated the 25th February 1910.

Printed in Appendix XII-A.

Execution by the said Courts in the Civil and Military Station of decrees

(a) of other Courts established or continued by the Governor General in Council.

(b) of certain Courts of Mysore, States in the political control of the Bombay Government, and Baroda.

¹ For such Courts in other parts of India see notifications Nos. 786—788-I.B., dated the 9th April 1913. Printed in Appendix XII A.

² See also modification 2 } in the Code of Civil Procedure, 1908, as applied. Printed *supra*,

³ See also modification 3 } p. 398.

Service of
summonses of the
said Courts in the
Civil and Military
Station—¹

(a) by ² other Courts
established or
continued by the
Governor General
in Council.

No. 1367-I., dated the 29th March 1889.—Printed in Appendix XII-A.

(b) by Civil Courts
of the Baroda and
Mysore States.

No. 398-I.B., dated the 25th February 1910.
No. 2629-I.B., dated the 24th December 1912. } —Printed in Appendix
XII-C.

Execution of
decrees of the
said Courts in the
Civil and Military
Station—¹

(a) by ² other Courts
established or
continued by the
Governor General
in Council.

No. 1363-I., dated the 29th March 1889.—Printed in Appendix XII-A.

(b) by Courts of the
Mysore and Baroda
States.

No. 2623-I.B., dated the 24th December 1912.—Printed in Appendix
XII-C.

Service in the Civil
and Military Station
of criminal processes
issued by Magistrates
in British India.

³ *No. 111, dated the 23rd July 1878.*—All criminal processes of whatever description, when issued by any Magistrate having jurisdiction in any District of British India, shall be acted upon and executed by all Magistrates and Police-officers in the Civil and Military Station of Bangalore under the same conditions and in the same manner as if such processes had been issued by a Magistrate having jurisdiction in the said station.

[*Mysore Gazette*, 1878, Pt. I, p. 196]

¹ These Courts and the Court of the Resident may send their summonses and decrees to Courts in British India for service and execution. See sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908), printed General Acts, Volume VI, Edition 1909, p. 133

² See footnote 1 on previous page

³ This notification was kept in force by clause (1) of notification No. 126-G P, dated the 28th April 1881, which runs as follows (the words in italics having been cancelled by notification No. 2252-I, dated the 7th August 1883, printed *supra*, p. 389)

“(1) All *laws, regulations* and rules in force in the aforesaid lands on the twenty-fifth day of March, 1881, except the rules published under the Foreign Department notifications Nos. 235 and 236 I J., dated 27th August 1879 Nos. 281 and 282-I J., dated 10th October 1879: *margin*, shall be deemed to be now in force therein. All powers conferred by any such *law, regulation* or rule on the Local Government or the Chief Commissioner of Mysore shall be exercised in respect of the aforesaid lands by the Resident for the time being at the Court of Mysore.” [*Gazette of India*, 1881, Pt. I, p. 178]

It was subsequently amended and confirmed as amended by the letter of the Government of India, No. 3831-I., dated the 27th October 1886.

VII.—Local Laws.

I. All grants of land, either free of tax or subject to a jodi (light assess- Inam Rules.¹ ment), and whether supported by Sannads or otherwise, shall be held to be valid, provided they are registered in Purniah's Inam Account of 1800 to 1810

II. Inams granted by the [late] Maharaja during His Highness's Administration between 1810 and 1831, for which Rules I, II, and III. What constitutes the validity of inams Sannads and "Neroops" are forthcoming, shall also be held to be valid.

III All other inams, not falling under the two foregoing divisions, no matter by whom granted, shall also be held valid upon the production of trustworthy "Sannads" or other genuine documentary evidence of their existence for the last 50 years.

IV. After the validity of the inam has been proved, each case will be disposed of as hereafter explained, according to its Classification of inams as it belongs to one or other of the following general classes —

A.—Grants or endowments made for the support of religious and charitable institutions and for the maintenance of persons therein rendering services.

B.—Personal or subsistence grants.

C.—Grants made by former Governments for service in the Revenue and Police Departments, which is no longer required.

D.—Village service inams.

V All inams coming under Rules Nos. I, II, and III, which are held by religious and charitable institutions, and by persons therein rendering service, will be confirmed to their present holders, so long as the institutions are kept in good order, and service continued to be performed, according to the condition of the grant.

A.—Inams granted for the construction and repair of wells, tanks, water-channels, and such like works, will not be interfered with so long as the works are kept in good order, and the terms of the grants are fulfilled.

¹ These rules were made for the Mysore State. On its rendition and the assignment of the Civil and Military Station, they were kept in force in the latter area by clause (1) of notification No 126-G P, dated the 28th April 1881. Printed *supra*, p. 416, footnote 3. The passages placed in [] or replaced by * * * represent amendments sanctioned in the letter of the Government of India, No. 3831-I., dated the 27th October 1886

VI All personal inams are to be treated according to the terms of the Sannad under which they are held.

A.—All inams for which there are Sannads, vesting the grantee with full powers of alienation and absolute right of disposal, granted by competent authorities, such as the Emperors of Delhi, the late Maharaja, and his predecessors on the throne of Mysore, and by other independent Chiefs, the late Peishwas, and the Nizam, and not subsequently resumed or modified, will be confirmed whether in the hands of the original grantees, their descendants, or alienees without the imposition of an indemnification fee.

B.—Inams for which no Sannads are produced, or where the Sannads produced are of an hereditary character, and where the tenure is not specifically restricted, are to be confirmed to the present holder and to his heirs, male or female, in direct succession, and to undivided brothers and cousins, and to persons whose adoptions were made in conformity with the Hindu Law.

C.—Option, however, will be given to the inamdar to render these grants perpetual, and alienable, by a payment of a quit-rent, equal to one-eighth assessment of the entire tenure, irrespective of his position with regard to heirs.

D.—Enfranchisement of these inams in the hands of alienees is compulsory, and not optional as in the preceding clause.

E.—All other personal inams, which are less than 50 years old, and not granted by competent authorities, are to be charged with half assessment without option.

F.—Indulgence will, however, be shown in cases in which there is a strong presumption in favour of an inam being 50 years old, and where the probability is equal on both sides, the intermediate rate of one-fourth quit-rent will be charged as a special case.

VII. If the inam was founded on fraud and took its rise subsequent to 1831, it will be resumed and subjected to full assessment.

A.—But if the present incumbent was not a party to the fraud, indulgence

Two-thirds quit-rent if the present holder is not a party to the fraud. will be shown by charging his nam with a quit-rent of two-thirds

VIII. Grants by former Governments in remuneration for services, wholly or partially, discontinued in the Revenue and Police Departments, are of two kinds —

Treatment of the several descriptions of village service and other grants

A.—Those which are no longer required, or rendered

B.—Inams still continued on condition of performing certain services which are seldom rendered, or cannot be made available for any useful public purpose each class will be dealt with according to the following rules :—

C.—Inams granted to “Desamuks,” “Desapandia,” and such like officers which are no longer required, and where a compromise has already been effected on the abolition of the service, are to be regarded as subsistence grants to be disposed of according to Rule VI and its clauses. Where no commutation of the service has been effected, the inams of these officers will fall under Clause D of this rule

“Desamukhi” and such like grants to be treated as personal.

D.—Inams held for village offices of revenue or police, the duties of which are still required to be performed, will only be registered in the present settlement for purposes of record, but they will be dealt with by the Survey and Settlement Department

Village service inams held for Government service will not be brought under the settlement, but simply registered for purposes of record

E.—But inams granted to artisans and others for services rendered to the village community will be confirmed as hereditary grants to the holders and their heirs, subject to the continued performance of the particular service for which they were granted.

Inams of artisans will be confirmed on their existing terms

F.—In cases in which service may be no longer required, or is of a nominal nature, the nam will be confirmed to the holders as a permanent and alienable property subject to payment of a quit-rent not exceeding half assessment. This quit-rent will be charged in commutation both of the service thus discontinued and the right of reversion possessed by Government. The mode and the rate of commutation will be determined on a consideration of the nature of the service, and how long ago it ceased to be rendered or enforced, and the circumstances attending it in each case.

Treatment of grants for service not required or rendered. To be confirmed on rates not higher than half assessment at the option of the Inam Commissioner

IX In the case of alienation of inams referred to in Rules VI and VII and then clauses, satisfactory proofs will be demanded either from entries in the public accounts, reliable documents in possession of the inamdars, or from the admission of the original grantees, or their recognized descendants, or undisturbed possession for the last 12 years. On failure of all proof of the alienees' title, the inams will be fully assessed

X. The extent and assessment of inams recorded by the Survey Department will be invariably adopted in the inam settlement of the surveyed taluks.

A.—In case of the Inam Commission outstripping the survey, the extent and assessment of inams given in the Inam Registers of 1810, or of a reliable subsequent account, will be adopted, leaving the excess to be charged after actual survey according to the course laid down in the following rule.

XI. In dealing with excess in inams, all excess over and above the rate of excess discovered in the Government lands of the village plus 10 per cent. will be charged with full assessment

A.—If the excess above the area recorded in the accounts or in the "Sannad" is proved to be within the limits mentioned in the grant itself or a separate "Hadnama," and where no room for encroachment existed, and if it is also proved to have been in the uninterrupted enjoyment of the inamdar for the last 50 years, it will be regarded as a part of the original inam, and no additional charge will be made even if it happens to exceed the indulgence shown in the preceding clause

XII. The settlement will be made either with the registered holders of the inam, or where none are registered, with the head member of the family enjoying the inam, who, according to existing practice, is alone considered responsible to Government. But this rule will not interfere with the enjoyment of subordinate shares in the inams by the other members of the family, which will also be recorded on the register

XIII. When the inam has to all intents and purposes been entirely abandoned, there being no acknowledged owner in existence, or, if being in existence he omits to come forward to claim it, and when the recorded possessor fails after due notice to appear to prove his title

such inam will, in the first instance, be placed under attachment by the [Assistant Superintendent attached to the inam settlement]¹ and after the expiration of one year from the date of the notice will be held to be liable to be fully assessed to the public revenue

XIV. The quit-rent to be imposed under the rules being a consideration required in return for an extension of rights will be exclusive of, and in addition to, any jodi with which the land may be already charged, but the additional quit-rent will vary according to the value of the holder's rights, and will be calculated not on the full assessment of the land, but on the difference between the full assessment and the jodi already existing, which represents the net value of the land to the mamdar

XV. The minimum rate of quit-rent to be charged will be 2 annas, and it will not be calculated in terms lower than 2 annas when the amount is less than one rupee, it will be charged in terms of 4 annas for sums between one and five rupees, in terms of 8 annas for sums between five and ten rupees, and in terms of one rupee when the due amount exceeds ten rupees.

XVI. Fractions will always be avoided in the quit-rent now imposed, and in the process of combining it with the old jodi

XVII Inams once converted into a permanent and alienable property under the rules will be subject to no further interference on the part of the Government except such as may be necessary for the punctual realization of the quit-rent now charged, or the existing jodi thereon.

A.—Mysore being a Native State, the redemption of the existing jodi, or the present quit-rent, will not be permitted.

XVIII Inams granted by the Commissioner, with or without the sanction of the Government of India, will be confirmed according to the terms of the grant without any new quit-rent; any excess however, will be charged full rates minus 10 per cent

A.—Grants made by the Mysore Government for a certain number of lives, or old inams restricted to one or more lives, will be made permanent and

¹ Amendment sanctioned in the letter of the Government of India, No. 115-B., dated the 5th June 1874.

transferable by the payment of $\frac{1}{8}$ quit-rent in the first life, $\frac{1}{4}$ in the second and $\frac{1}{2}$ in the third and subsequent lives.

XIX. The term inam is to be understood to apply also to whole inam villages, whether held entirely free of land tax, or on a favourable quit-rent, or jodi, and such villages will be dealt with upon the same principles as are above prescribed for minor inams.

XX. On the validity of an inam being established by inquiry conducted in accordance with the foregoing rules, a title deed to be presented to the inamdar in acknowledgment of his inam tenure title deed will at once be furnished under the signature of the Inam Commissioner acknowledging the title to the inam on behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, specifying in it the nature and terms of the tenure.

XXI¹ After settlement has been once made by the Inam Commissioner according to the foregoing rules, it shall not be competent for any judicial courts [of the Civil and Military Station of Bangalore] to question the validity of his settlement, or the right to levy the quit-rent or annual payment imposed in commutation of the reversionary right of Government, and the concession now authoritatively made to make the inams permanent, heritable, and alienable.

Appeals from proceedings of officers engaged in making such settlement to be made to the [Resident in] Mysore

XXII Appeals against the Inam Commissioner's decisions shall be made direct to the [Resident in] Mysore.

XXIII. The Inam Commissioner, duly authorized by the Government to conduct the inam settlement, shall not be liable to be sued in any Judicial Court for any *bond fide* act done, or ordered to be made in his official capacity

XXIV. All quit-rents payable under these rules shall be levied in the manner in which ordinary land revenue is recoverable, and the claim of Government to such quit-rents shall have precedence over any other debt, demand, whether in respect of mortgage, judgment, decree, execution, or attachment, or otherwise howsoever, against the lands, or the holder or holders thereof.

¹ A revised rule was sanctioned in the letter of the Government of India, No 333, dated the 17th October 1868. But the original rule as here entered was restored by letter No. 1-R., dated the 4th January 1873.

XXV. The Inam Commissioner and his Assistants shall exercise the powers conferred upon the ordinary Revenue Courts of the province under the provisions of the Mysore Revenue Procedure Code.

XXVI. All inamdars shall be hable to contribute their quota of the payments levied from all revenue-paying occupiers of land towards the repairs of irrigation channels and tanks under which they hold land, and also towards such other local cesses as may be imposed by competent authority.

TITLE DEED GRANTED TO

1. On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I acknowledge your title to a personal inam, situated in the village of _____, in the Taluk of _____, of the District of _____, of the _____ Division, as per particulars mentioned in the annexed schedule.

2. This inam by the term of the Sannad is heritable and transferable, and it is confirmed to you, your heirs, or assignees on those terms in perpetuity, so long as you or they are faithful subjects of the State

3. This inam is moreover subject to the payment of general, local and municipal taxes, and a proportionate share of the cost of the repairs of Government works of irrigation in common with ordinary kandayam ryots.

SCHEDULE

Extent of the inam			Former Jodi	Present Quit rent.	Combined Quit-rent	Boundaries
	Acres.	Assessment				
Dry .						
Wet						
Garden .						

Dated

Inam Commissioner.

TITLE DEED GRANTED TO

1 On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I acknowledge the title of the Pagoda of _____ Swami, situated in the village of _____, in the Taluk of _____, of the District of _____, of the _____ Division, as per particulars shown in the annexed schedule

2 This inam is confirmed to the Pagoda (free of tax) (or subject to the existing jodi of rupees shown in column) to be held without interference so long as the conditions of the grant are duly fulfilled.

3. This inam is moreover subject to the payment of general, local and municipal taxes and a proportionate share of the cost of the repairs of Government works of irrigation in common with ordinary kadayam ryots.

SCHEDULE.

Extent of the inam		Former Jodi	Present Quit-rent.	Combined Quit-rent	Boundaries.
	Acres	Assessment			
Dry .					
Wet .					
Garden .					

Dated

Inam Commissioner.

TITLE DEED GRANTED TO

1. On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I acknowledge your title to a personal inam, situated in the village of , in the Taluk of , of the District, Division, as per particulars mentioned in the annexed schedule.

2. This inam is hereditary only ; and in the event of the failure of lineal heirs, it will lapse to the State.

3. On your agreeing to pay an annual quit-rent of mentioned in column of the schedule, your inam tenure will be converted into a permanent and transferable property, and can be disposed of as you think proper, subject only to the payment of the above-mentioned quit-rent, and so long as you, your heirs, or assignees are faithful subjects of the State.

4 This inam is moreover subject to the payment of general, local and municipal taxes and a proportionate share of the cost of the repairs of government works of irrigation in common with ordinary kadayam ryots.

SCHEDULE

Extent of the Inam			Former Jodi	Present Quit-rent	Combined Quit-rent	Boundaries
	Acres	Assessment				
Dry .						
Wet .						
Garden .						

*Dated**Inam Commissioner.*

Whereas you have agreed to convert your tenure into a heritable and transferable property, on the terms offered you in clause 3 (three) of this Deed, your inam is hereby confirmed to you in perpetuity, subject only to the payment of the annual quit-rent of rupees mentioned in column of the schedule.

*Dated**Inam Commissioner.*

TITLE DEED GRANTED TO

1. On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I acknowledge your title to a personal inam, situated in the village of , in the Taluk of , of the District of , of the

Division, as per particulars shown in the annexed schedule.

2. This inam being an alienation from the original grantee's family, will be subject to the payment of an annual quit-rent of Rupees shown in column of the schedule, which is hereby imposed upon it in commutation of the claims of Government arising from your defective title. The inam is confirmed to you as a permanent and transferable property, and it can be disposed of as you think proper, subject only to the payment of the above-mentioned quit-rent, and so long as you, your heirs, or assignees are loyal subjects of the State.

3. This inam is moreover subject to the payment of general, local and municipal taxes, and a proportionate share of the cost of the repairs of Government works of irrigation in common with ordinary kandayam ryots.

SCHEDULE

Extent of the Inam.			Former Jodi	Present Quit-rent	Combined Quit-rent	Boundaries
	Acres	Assessment				
Dry .						
Wet .						
Garden .						

*Dated**Inam Commissioner.*

TITLE DEED GRANTED TO

1. On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I acknowledge your title to an inam originally granted for service, situated in the village of _____, in the Taluk of _____, of the District of _____, of the _____ Division, as per particulars shown in the annexed schedule.

2. This inam being held for _____ service now discontinued will be subject to the payment of an annual quit-rent of _____ rupees as shown in column _____ of the schedule, which is hereby imposed upon it, in commutation both of the service thus discontinued and of the reversionary interest possessed by Government in the inam. The inam is now confirmed to you as a permanent and transferable property, and can be disposed of as you think proper, subject only to the payment of the above-mentioned quit-rent, and so long as you, your heirs, or assignees are loyal subjects of the State

3. This inam is moreover subject to the payment of general, local and municipal taxes and a proportionate share of the cost of the repairs of Government works of irrigation in common with ordinary kandayam ryots.

SCHEDULE

Extent of the Inam			Former Jodi	Present Quit-rent.	Combined Quit-rent	Boundaries.
	Acres	Assessment.				
Dry .						
Wet .						
Garden .						

Dated

Inam Commissioner

TITLE DEED GRANTED TO

1 On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I acknowledge your title to a personal inam, situated in the village of _____, in the Taluk of _____, of the _____ District, of the _____

Division, as per particulars shown in the annexed schedule.

2. This inam is tax-free, and confirmed for two lives only, but it is not otherwise transferable ; and on the expiration of the limited term above-mentioned it will lapse to the State

3. On your agreeing to pay an annual quit-rent of Rupees _____ mentioned in column _____ of the schedule, your inam tenure will be converted into a permanent and transferable property, and the inam can be disposed of as you think proper, subject only to the payment of the above-mentioned quit-rent, and so long as you, your heirs, or assignees are loyal subjects of the State

4. This inam is moreover subject to the payment of general, local and municipal taxes and a proportionate share of the cost of the repairs of Government works of irrigation in common with ordinary kadayam ryots.

SCHEDULE.

Extent of the Inam		Former Jodi	Present Quit-rent	Combined Quit-rent	Boundaries.
	Acres	Assessment.			
Dry .					
Wet .					
Garden .					

*Dated**Inam Commissioner.*

Whereas you have agreed to convert your tenure into a permanent and alienable property on the terms offered you in clause () of this Deed, your inam is hereby confirmed to you in perpetuity, subject only to the payment of the annual quit-rent therein mentioned, *viz.*

*Dated**Inam Commissioner.*[*Mysore Gazette*, 1868, Supplement, 13th June]

¹ Rules for the restoration of inam lands unauthorizedly alienated from religious or charitable institutions.

¹No. 266, dated the 17th November 1877 — Under the sanction of the Government of India, conveyed in their letters Nos. 89-R and 105-R., dated 13th September and 29th October 1877, respectively, the following rules providing for the restoration of inam lands unauthorizedly alienated from the religious or charitable institutions to which they were originally assigned, are published for general information. —

I. All inam lands granted to religious and charitable institutions, and for the maintenance of persons rendering service therein, will be confirmed and continued to them, so long as the conditions of the grant are duly fulfilled

II. Whenever it is found that such lands are diverted from the object for which they were granted, by means of sale, gift, mortgage or otherwise, the following rules shall be observed. —

A — Where such alienations were made prior to 31st January 1853, but within 50 years computing the period of possession up to 14th December 1867, the lands or villages so alienated will, if not restored voluntarily by the holder, be confirmed and subjected to a jodi of one-half the assessment the jodi or assessment so imposed being payable direct to the institution from which they were alienated.

¹ Footnote 1 on page 417 *supra* applies equally to these rules.

B.—In the case of alienations made subsequent to 31st January 1853, a notice will be issued to the alienee or alienees requiring him or them to restore the lands to the institution to which they belong, within six months from the date on which the notice is served on the alienee or alienees or his or their agent or manager who may be in charge of the lands, and on default of compliance, the lands will be summarily resumed and restored to the institution by the revenue authorities under instructions from the Inam Superintendent.

C.—In the case of a simple mortgage or hypothecation of the inam lands, without possession, the transaction will be declared null and void in so far as it is intended to create a lien on the lands or to treat them as security for the loan advanced

III Lands held for fifty years and upwards, with or without titles, computing the period of possession up to 14th December 1867, will be confirmed to the holders on the terms prescribed in the Land Inam Rules, and will not be included in the title deed granted by the Inam Department to the religious institutions

IV The alienations, whether made in favour of disciples of the institution or others unconnected with it, will be treated alike, and disposed of under these rules.

[*Mysore Gazette*, 1877, Pt. I, p 349]

I All ready money payments made in the Muzarai Department from the general revenues of the State, which were registered in the Tasdik Pattis prepared under the [late] Maharaja's orders in 1830-31, and not since authoritatively resumed, and also those subsequently renewed, or newly granted by the Mysore Commissioner, shall be held valid, whether supported by Sannads or otherwise.

¹ Rules for the settlement of ready money grants.

II. All ready money allowances enjoyed by religious or charitable institutions or by individuals, which are exclusively charged to the *Sayer* and *Abhari* collections, and which are to be found in the Auditor's list, and not since authoritatively resumed, shall be held valid, whether supported by Sannads or otherwise.

III. — Allowances enjoyed by religious and charitable institutions, the payment of which is enforced by the officers of Government from cultivating ryots and merchants in the shape of taxes or contributions, shall not be noticed in the settlement.

2. In cases, however, in which a party claiming them produces the Sannads of the [late] Maharaja in support of the above-mentioned practice,

Footnote 1 on page 417 *supra* applies equally to these rules.

the Government will continue the payment as a State charge, instead of allowing the present objectionable practice

IV. After the validity of the allowance has been established, each case will be disposed of as hereafter explained under one or other of the following clauses :—

A.—Grants made for the support of religious and charitable institutions, and for the maintenance of the parties therein rendering service

B.—Subsistence or personal grants known under the several designations of Vaishaganams, Nagad Bhatmanyams, Yomias, Nonparvarsh, and Jaghirs, etc, granted for the subsistence of the holder.

C.—Grants made to village servants, either as the whole or partial payments for the remuneration of their services rendered direct to the State, except those of Shanbhogs and Patels, brought on the regular establishment under the head of paid servants.

D.—Political pensions or allowances made to dispossessed Poligars under the name of Poligar pensions, and to others similarly situated

E.—Superannuation pensions paid to retired servants of Government for meritorious service.

V. Inams coming under clause D of the foregoing rule will not be taken into consideration in the Muzarai settlement.

2. Superannuation pensions will be allowed to be commuted, however, at the request of the party, by the payment of a lump sum once for all, as provided in Rule X, clause 5.

VI. All ready money grants falling under clause A. of Rule IV whether supported by Sannads or otherwise, will be continued so long as the institutions are efficiently maintained, and service therein properly rendered.

VII.—Personal or subsistence grants falling under its clause B will be disposed of according to the terms of the Sannad, or, in its absence, according to the hitherto existing and recognized practice in the province

2. Grants of money supported by Sannads, in which the hereditary character of the grant is expressly mentioned, are to be continued without reduction to his present holder, his heirs, male or female, in direct succession, to undivided brothers and cousins, and to persons regularly adopted according to the Hindu Law.

3 In the absence of the Sannads, if the allowance can be satisfactorily established either by other documents in the possession of the inamdar, or by Purniah's Muzarai accounts, as having descended in hereditary succession and subsequently renewed on that account by the [late] Maharaja and the present Government, it will be continued without reduction to its holder and his heirs defined in the foregoing clause.

4 Where either no express mention of the term hereditary, or express limitation to one life, is made in the Sannad, the allowance will be gradually eliminated in two lives by a reduction of one-half at the end of each lapse occurring after the present holder, who will have the benefit of enjoying the full amount during his life-time

5. Where the grant expressly limits the allowance to the life of the present holder, it will be continued to him only, and lapse to the State at his death

6 In cases of extreme indigence and personal defects, such as loss of sight or limbs, etc., incapacitating the successor to earn a livelihood, it will be competent to the Inam Commissioner to make a recommendation for the continuance of the whole or a portion of the allowance to him during his life-time to prevent the distress that would arise from the sudden stoppage of the allowance.

VIII. Allowances specially ordered by the Mysore Commissioner to be continued to certain individuals till they attain their majority will cease when they reach the age of 21 years.

IX. In the case of existing alienees the allowance will be continued during the life-time of the present holders as an indulgence on the production of satisfactory proofs of alienation, but will lapse to the State on their death.

X. Option will be allowed to the holders of ready money grants falling under clauses 2, 3, and 4 of Rule VII, to commute their money allowance into grants of land. The Government are willing to accept the commutation on terms advantageous to the inamdar varying according as the land selected happens to be waste or cultivated, or of good or bad quality, or, in the case of wet lands, with reference to their position and nature of the source of irrigation

2. Allowances thus commuted into land belonging to religious or charitable institutions and of their servants will be continued under the Land Inam Rule No. V.

3 Inamdars holding allowances under clauses 2 and 3 of Rule VII, which are permitted to be commuted into land, will be allowed to convert their inam into permanent and alienable property at rates of quit-rent vaying according to their position with regard to heirs — $\frac{1}{3}$ th quit-rent in the case of persons having competent heirs defined in clause 2, $\frac{1}{4}$ th in the case of terminable heirs, such as a wife, or widowed daughter, or daughters-in-law, and $\frac{1}{2}$ if none at all

4. Inamdar sholding allowances under clause 4 of Rule VII, which are permitted to be commuted into land, will be allowed to redeem it on $\frac{1}{3}$ rd assessment.

Age of pensioners.				Number of years purchase.
Under 10 years	.	.	.	13
10 to 20	„	.	.	$12\frac{1}{2}$
20 to 25	„	.	.	12
25 to 30	„	.	.	$11\frac{1}{2}$
30 to 35	„	.	.	11
35 to 40	„	.	.	$10\frac{1}{2}$
40 to 45	„	.	.	10
45 to 50	„	.	.	$9\frac{1}{2}$
50 to 55	„	.	.	9
55 to 60	„	.	.	8
60 to 65	„	.	.	7
65 to 70	„	.	.	6
Above 70	„	.	.	5

5. Inamdars holding allowances under clause 5 of Rule VII, shall not have the advantage of commuting their payments into grants of land, but shall be allowed the option of converting their annual or monthly stipened once for all into a lump sum according to the annexed Table, varying with the age of the recipient, provided that the applicant for commutation is certified to be in good health at the time of application.

XI Allowances which are paid in kind from the gross outturn of the village, previous to the division of crop between the Government and the ryat under the battai system, shall now be commuted into money payments and continued according to the terms of the Sannads, or other authoritative documents, whether for life or in hereditary succession.

2. Inamdars whose hereditary grain allowances are thus commuted into money grants of hereditary nature will be allowed the indulgence under Rule X to convert them into grants of land, and to make them alienable and transferable property under its clauses 3 and 4.

XII All ready money payments made to cover actual expenses incurred on account of religious ceremonies, on particular and stated occasions, will not be noticed in this settlement, but will be left as an annual charge subject to audit.

XIII Allowances in kind paid in sandalwood and cardamoms will now be commuted at the average price for five years, and money payments continued to the recipients according to the terms of the grant and under the circumstances of succession referred to in Rule VII.

2. In the case of hereditary grants, the provisions of clause 2 of Rule XI will also be extended to this description of inamdars.

XIV. Certificates in the appended form under the Inam Commissioner's official seal and signature will be granted in acknowledgment of the settlement of these ready money allowances

XV Settlement will be made with the head member of the family. His consent shall be held to be sufficient for the commutation of the grant into its equivalent in land, or for a lump payment. Registration of the shares of the several co-partners will, however, be made in the register which will be drawn up in the annexed form, which will also contain a column for the inamdar's description

XVI. In this settlement fractions of annas will be omitted by raising it either to the higher or reducing it to the lower figure, according as it happens to be above or below half of an anna

No 1. TITLE DEED GRANTED TO

On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I do hereby certify that the Pagoda of _____ Swami is entitled to a ready money inam, which will be continued so long as it is kept in good order and service therein efficiently rendered.

2 Option will be given to _____ to commute this money grant into its equivalent in land, which will be continued on the terms mentioned in the preceding clause.

Inam Commissioner

No 2. TITLE DEED GRANTED TO

On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I do hereby certify that you are entitled to hold a ready money inam of Rupees _____, which will be continued to you and to your heirs only in hereditary succession, so long as you and they are loyal subjects of the State, but it is not otherwise transferable.

2. Option will be given to you to commute this money grant into its equivalent in land on the same terms as to succession mentioned in the preceding clause.

Inam Commissioner.

No 3 TITLE DEED GRANTED TO

On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I do hereby certify that you are entitled to hold a ready money inam of Rupees _____, which will be continued to you only during life-time, so long as you are a faithful subject of the State, and will lapse to the State after your death. It is not transferable in the meantime.

2. Option will, however, be given to you to commute this allowance of Rupees into a lump sum of Rupees once for all according to the rules prescribed in clause 5 of Rule X.

Inam Commissioner.

No. 4. TITLE DEED GRANTED TO

On behalf of the Commissioner for the Government of the Territories of His Highness the Maharaja of Mysore, I do hereby certify that you are entitled to hold a ready money inam of Rupees , the full amount of which will be continued to you and one-half of it or Rupees to your successor so long as you and he or she are loyal subjects of the State, and wholly lapse to the State after his or her death.

2. Option will be given to you to convert this money inam into a grant of land on your agreeing to pay from this date one-third of its assessment as quit-rent, in which case the land so commuted becomes heritable and alienable property

Inam Commissioner.

Register of Ready Money Grants.

1	General number	2	Value of the Inam	3	<i>Description of Inam.</i> If for service, it is to be stated whether it is performed; if for buildings, tanks, etc., whether they are efficiently kept up.	4	<i>Tenure</i> Hereditary, unconditional, for life only, or for two or more lives	5	When, and by whom, and to whom granted	6	Name of the party registered in the stand- ard Muzara'i or other recognized accounts	7	Name, place of residence, and age	8	Caste or tribe. Height and complexion.	9	Indelible marks tending to the identification of the Inamdar	10	Relationship to the grantee or the registered holder	11	Particulars of the heirs of the party in column 7.	PARTICULARS OF THE COMMUTED LAND					16	Recommendation of the Assistant.	17	Review by the Special Assistant, and confirmation by the Inam Commis- sioner
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21. A

[*Mysore Gazette*, 1868, Supplement, dated 12th December.]

Inam Commissioner,

¹ Rules for the maintenance and repair of field boundary marks.

¹ No —, dated the 20th August 1868.—The following rules for the maintenance and repair of field boundary marks are applicable to the taluks of the Province of Mysore in which the Survey and Settlement has been, or is being introduced

1 The field boundary marks to be maintained in proper condition are stones and mounds of earth or stones of the following dimensions —

(1) Stones of 1 to 2 cubits in length half buried in the ground and the exposed portion whitewashed

(2) Mounds of earth or stones 5 cubits long, 4 cubits broad at bottom and $\frac{3}{4}$ cubit at top $2\frac{1}{4}$ cubits high

2. Each corner of a field or survey number should be defined by two mounds or by 3 stones as shewn in the subjoined examples *

3 When the interval between adjoining boundary marks placed at the corners of numbers, exceeds 25 and falls short of 50 Gunta chains in length, there should be a single mound or one stone in place of it, about the middle of the interval and on the line of boundary, but when it exceeds the above, there should be a mound or stone set up at every 20 chains along the line of boundary. In addition to these marks there should be a stone at every large bend or angle in the line of boundary.

4. When a number is bounded on any side by a nullah, river, canal, hedge, embankment or stone-wall, no boundary marks are required on that side, and any cultivator, who may have good reasons for wishing to do so, should be permitted to form a new hedge, ditch, canal, embankment or stone-wall along any side of a number hitherto defined by boundary marks

5 In low situations liable to be flooded by the over-flow of nullahs or rivers and in very rainy climates where the earthen mounds would be liable to be washed away during the monsoon, stones are more suitable than mounds of earth. In any of these places and no others, the taluk officers are at liberty to recommend the stones of double the length defined in the 1st rule (in place of earthen mounds) half sunk in the ground

6 At the annual inspection of field boundary marks enjoined by 23rd of the Survey Rules, when a mound is found to be not less than one cubit in height, it is to be considered in good repair, but when it has sunk below this height it is to be considered in want of repair, and is to be raised to the height of $2\frac{1}{4}$ cubit, as required by Rule 1, and to be daubed with whitewash, during the course of the annual inspection.

¹ Footnote 1 on page 417 *supra* applies equally, to these rules.

* Not reprinted.

† Read "the use of."

7 When more boundary marks than are required by Rules 2, 3, and 4 are found on any line of boundary, so many of them as may be in excess are to be allowed to fall to ruin, and are not to be repaired at all.

8 When any mound requiring repair is found to be of greater length than 8 cubits, then a portion of it only of this length is to be repaired, and the remainder is to be left untouched.

9 The village officers of every village, in which mounds have been erected should be required to keep 3 rods, respectively 8, 4 and $2\frac{1}{2}$ cubits long to measure the length, breadth and height of the marks, and these rods should be taken to the field, at all field boundary mark inspections.

10 In the case of dry crop land, a strip of 2 to 3 cubits in width must be allowed to remain unploughed between adjoining marks in order that it may become overgrown with grass and bushes, so as to form a distinct and easily recognizable boundary to the number. Rice and garden lands have usually well defined boundaries, such as banks or hedges, but when they have not, a strip of one cubit in width should be left unploughed to connect adjoining marks and constitute the boundary. And where the village limits have been defined at the time of survey by double lines of boundary marks, the intermediate strips of land are to remain unploughed.

11 Repairs to boundary marks in khalast or Government uncultivated lands are to be made by the taluk officers at the expense of Government unless the [Collector] of the District is satisfied that the repairs would be as effectually and more cheaply made by the purchaser to whom the grazing of this land is sold under the 14th, 15th and 16th Survey Rules, in which case a clause requiring this to be done should be included among the conditions of the sale. When the former course is adopted, the purchasers of waste should be freed from all responsibility whatever connected with the boundary marks as the sale of grazing numbers would be injured by attaching this responsibility to them.

12 To provide funds for the repair of boundary marks to Government uncultivated lands the [Collector] is authorised to disburse from the Treasury annually a sum not exceeding Rs 5 for every 1,000 acres of Government unoccupied waste land, or 5 per cent of the total amount realized and credited to Government from the grazing of such lands, whichever may be the larger amount and dispose of it for the repair of the boundary marks therein as directed in clause 2 of the following rule, or as may be otherwise ordered from time to time.

¹ Substituted by notification No. 179, dated the 14th August 1876 *Mysore Gazette*, 1876, Pt. I, p. 218.

113. In taluks where the boundary marks in Government unoccupied waste land are very numerous or when for any reason the allowance of a larger sum than Rs. 5 for each 1,000 acres of waste land may appear necessary, the [Collector] may * * disburse the sum of Rs. 10 for every 1,000 acres of Government unoccupied waste land or 10 per cent of the amount realized from the grazing of such lands, whichever may be the larger amount.

Clause 2. The amount allowed for the repair of boundary marks in Government unoccupied waste land will be paid on the 1st January of each year, or on whatever other date may be ordered, to the Patel of the village who will be held responsible for the maintenance in due order of the boundary marks

Clause 3. Occupants of land impinging on Government unoccupied waste land are responsible for the maintenance in due repair of all the marks which divide their land from Government unoccupied waste land, and the village community are also similarly responsible for all the marks demarcating the boundaries of the free grazing lands assigned to their village. In case there should be any failure in the execution of their duty by occupants of land, or by the village community in free grazing lands, the necessary work will be executed by the Patel and charged for at a rate not exceeding 2 annas for each mark, the total amount of cost being levied rateably from the occupants and inamdars in the village in proportion to the survey assessment of their lands.

14. The ryots are not to be allowed to dig out earth close around the boundary marks for their repair; they are to leave space of 2 cubits in breadth all round the mark untouched so as to prevent injury to the mounds from water lodging in the cavities from which the earth for the repair is taken.

15. The [Collector] of the District is personally to examine the boundary marks of some of the numbers of several villages in each taluk, as soon as possible after the completion of the examination by taluk officers, such as Amildar, Peishkar or Sheristadar, and the Superintendent of the division is to mark off several numbers from the village registers for examination by his Revenue Sheristadar or any other high officer of his establishment.

16. * * * *

[*Mysore Gazette*, 1868, Pt. I, p 435]

¹ Substituted by notification No. 179, dated the 14th August 1876 *Mysore Gazette*, 1876, Pt I, p 218

No 198, dated the 9th February 1870—The following revised Survey ^{Mysore Survey} Guarantee is applicable to the taluks, in the Province of Mysore, already ^{Guarantee}¹ brought under the operation of the Survey Settlement, and is published for general information, in supersession of all Guarantees previously promulgated.

Mysore Government Guarantee

Notice is hereby given to the occupants and cultivators of Government lands in the villages of the taluk in which the Survey Rules have been promulgated, that the rates of assessment introduced by the Revenue Survey in the year , are guaranteed as follows :—

I. The assessment now imposed by the Revenue Survey on all dry crop lands, and on lands watered solely from wells, will not be raised for years, viz., from the year to

II During this period dry crop land which may be converted into wet crop solely at the cost of occupiers or cultivators, will not be subjected to any extra assessment whatever, nor will any extra tax 'bab' or pattu be imposed on account of fruit or other trees planted hereafter by occupiers or cultivators, or on account of superior crops being grown

III If a well is dug by the cultivator, or a water-course (kalve) made from a stream the water of which is not the produce of a work constructed at the expense of Government no additional assessment will be imposed

IV Government reserves the right of prohibiting wells being dug, or water courses (kalves) being made when they interfere with the storage of the water in a work constructed by Government This right of prohibition may be enforced in relation to any particular work under the orders of the [Resident in Mysore]* *.

V. If Government afford an additional supply of water by the construction of new works or by the improvement of existing works, the right of imposing an additional assessment upon land benefiting by the increased supply of water, is reserved to Government.

VI It is imperative on the owners and occupiers of land lying under tanks and works, the property of Government, other than those under the direct management of the Irrigation Department to maintain the upkeep of such tanks and works after they have been brought up to standard. In case such upkeep shall not be duly maintained, it shall be competent to Government to maintain the upkeep of such tanks and works, and the cost of the same shall be rateably distributed amongst the ryots and inamdars according to the survey valuation of their respective holdings, and such amount shall be recovered as regular revenue demand.

¹ Footnote 1 on page 417 *supra* applies equally to this notification.

VII. When small tanks (or Guntes) included within the boundaries of occupied dry crop survey numbers, shall be restored by the occupiers or cultivators of such numbers, no additional assessment will be imposed during the currency of this settlement, *i e.*, for years from the year to .

VIII. The collection of gram levies ("Aya") by patels and Shanbhogs is abolished by the Survey Settlement, but the existing practice of payment of such gram levies to minor village servants, thalari, thoti, muganti, etc., is not interfered with by the Survey Settlement.

Forests and Woods.

IX. In Government reserved forests the disposal of all wood of any description and the grazing right, is vested in the Forest Department

X To each village a certain portion of land is assigned at the survey settlement as free grazing land for common use. Excepting the (9) nine reserved descriptions of timber, according to the list in the margin, all wood

Honnay	in these common lands is reserved for
Lack-tree.	the use of the villagers under such rule
Wandi.	as may from time to time be issued by
Wild Jack	the [Resident in Mysore]. Timber of
Pcon	the reserved kinds in these common lands
Karachi.	shall be at the sole disposal of the Forest
Teack.	Department
as ¹ and b ² us } Blackwood.	
Sandalwood	

XI. In the case of land already occupied at the time of the survey settlement, or taken up for occupation at, or after, that settlement, all wood shall be made over to the occupant on such terms as the settling officer may arrange, excepting (9) nine reserved descriptions mentioned in the preceding paragraph. The disposal of the wood of these reserved kinds shall be vested in the Forest Department up to one year from the date of the settlement, or from the date of the survey number being taken up; if taken up after the settlement, should the Forest Department not remove the wood within the above mentioned period of one year, it shall, excepting sandalwood, become the exclusive property of the occupant, to whom also any wood henceforward growing in the survey number in question, excepting sandalwood, shall exclusively belong.

XII. In all unoccupied assessed or unassessed lands trees of the (9) nine reserved kinds are the exclusive property of Government, but trees of the unreserved kinds may be used by the general public under the provision of the Forest Rules

Local Funds

XIII. As the plough tax and all extra cesses on land of whatever kind have been absorbed in the revised assessment of the Revenue Survey, the [Resident in Mysore] will impose for the full term of this settlement, on all land, in addition to the Survey assessment (according to the survey valuation of each ryot's holding) which will be devoted to the construction and repairs of roads, to educational purposes, and to such other local objects as may be deemed necessary.

¹ XIV. The Irrigation Cess having been abolished as a separate levy of one anna in the rupee on the assessment of wet lands, it will be hereafter merged in and collected with the ordinary assessment of such lands, and at the settlement of each taluk a lump sum equivalent to the amount of the cess so merged in the assessment will be set apart by the Settlement Officer out of the annual revenue of the taluk to form the "District Irrigation Fund" which will be administered by the District Committee, in the same way as the Ordinary Local Fund for the repair, improvement and reconstruction of works of irrigation within the taluk

XV. * * * * *

XVI Whatever sum may be assigned, as above, at the settlement of a taluk, as the quota of the "District Irrigation Fund," will remain as the fixed allotment for this purpose during the currency of the settlement.

¹ XVII. The Irrigation Cess will similarly merge in the future Survey valuation of all wet lands held in inam whether in Government villages or in whole inam villages and $\frac{1}{17}$ of such valuation will be collected similarly to a jodi, but under the designation of "*Equivalent of the Irrigation Cess*," separately from, and in addition to the quit-rent leviable on such lands or villages, and be carried to the account of the "District Irrigation Fund"

¹ XVIII. Kayamgutta and Sarvamanya villages shall pay Local Fund at the rate of one anna in the rupee, the former at the fixed Kayamgutta rent, and the latter on the recorded value of the inam. Where such villages have been surveyed, the same course will be followed as that laid down for inam holdings in the preceding section. Where "they have not been surveyed, the equivalent of the irrigation cess" will be levied under that designation at the rate of one anna in the rupee on the revenue derived from the wet lands under cultivation within their limits as certified to by the holders of such villages and the amount so realised will be carried to the account of the District Irrigation Fund.

[*Mysore Gazette*, 1870, Pt I, p 384.]

¹ Substituted by notification No 341, dated the 11th February 1875. *Mysore Gazette*, 1875, Pt. I, p. 54.

Forest Rules.¹

¹No. 588-F, dated the 8th June 1878 —The following rules have been sanctioned by the Governor-General in Council and are published for general information :—

* * * *

2. Subject to the general control of the [Resident in Mysore]² the administration of the forests is vested as herein provided in—

I.—[Any officer appointed by the Resident in Mysore to perform the duties usually assigned to a Conservator of Forests]²

II —The [Collector]² and the subordinate revenue officers.

3. All police officers shall see that these rules are observed and shall to the best of their ability aid the forest officers in the exercise of their duties

* * * *

28. On all lands throughout [the Civil and Military Station of Bangalore],² excepting those in respect of which the right to sandalwood is expressly alienated, the sandalwood tree is the property of the State. The rights of the State with regard to sandalwood shall be exercised under such rule as the [Resident in Mysore]² may from time to time prescribe by notification in the [Official]² Gazette.

* * * *

40. For every breach of rule * 31 * or of any rule made by the [Resident in Mysore]² under the power granted him in section * 23 * of the present rules, the offender shall be liable on conviction before a Magistrate having jurisdiction in the case to a fine not exceeding Rs. 50) or in default to such imprisonment as is provided in section 67 of the Indian Penal Code

41. Nothing in these rules shall be construed to prevent any person from being prosecuted under any other law for any act which constitutes an offence against these rules or from being liable under such other law to any higher punishment or penalty than that provided by these rules. Provided that no person shall be punished twice for the same offence.

42. Any adzes, knives, carts, boats, or other tools, vehicles, or implements, as also all cattle used in the commission of an offence under these rules or against any rule made by the [Resident]² under the powers granted him as stated in Rule 40, and all timber, wood or other forest produce which has been obtained in a manner contrary to such rules, whether entire or cut up or sawn up, * * may be confiscated

¹ These rules were made for the Mysore State. On its rendition and the assignment of the Civil and Military Station, they were kept in force in the latter area by clause (1) of notification No 126-G, P, dated the 28th April 1881, printed *supra*, p 416, footnote 3. Only the provisions applicable in practice are here reprinted with the amendments approved in the letter of the Government of India, No 3531-I, dated the 27th October 1886

² Substituted by the letter of the Government of India, No 3531-I, dated the 27th October 1886.

43 Any police officer or person employed by an officer of Government to prevent infringement of these rules may arrest without warrant, notwithstanding anything contained in the Criminal Procedure Code, any person infringing any of such rules, and may seize any implements used in such infringement, and any timber or other property liable to confiscation under these rules.

44 Any person arrested on the ground that he has committed an infringement of such rules shall forthwith be taken before a Magistrate, who may, if he see reasonable cause, order him to be detained in custody until the case shall have been disposed of

45 When any timber or other property shall be seized as liable to confiscation under these rules, any Magistrate may, upon information, summon the person in possession of such timber or other property, and upon his appearance or in default thereof, may examine into the cause of the seizure of such timber or other property, and may adjudge the same to be confiscated and sold on account of the Government.

46 Any police officer or officer of Government who shall vexatiously and unnecessarily seize the goods or chattels of any person under the pretence of seizing property liable to confiscation, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess beyond what is required for the execution of his duty, shall be liable to a fine not exceeding Rs. 500 or to imprisonment of either description as defined in the Indian Penal Code for a term not exceeding three months.

47 All fines and penalties under these rules shall be enforced by a Magistrate in the manner prescribed in the Code of Criminal Procedure, and the rules therein contained for the trial of cases and for appeals shall be applicable to confiscations adjudged under these rules.

48 When any confiscation or penalty shall be adjudged under these rules, the [Resident]¹ may within three months after final judgment call for the proceedings of the case, and, if he shall see cause, may direct that the seizure or any part thereof be restored, and may remit the penalty or part thereof, and direct that the offender be discharged.

49 The [Resident in Mysore]¹ may, from time to time, by notification in the [Official]¹ Gazette make rules to regulate the rewards to be paid to officers and informers out of the proceeds of fines and confiscations under these rules.

[*Gazette of India*, 1878, Pt. I, p. 355.]

¹ Substituted by the letter of the Government of India, No 3831-I., dated the 27th October 1886.

¹Rules relating to fireworks² to , ¹No 18, dated the 23rd April 1879.—The following rules and forms of licenses for the purpose of placing a check on the manufacture³ and sale³ of fireworks within the limits of the [Civil and Military Station of Bangalore] having been sanctioned by His Excellency the Governor-General of India are published for general information .—

1. No person shall let off rockets or send up fire-balloons or discharge any fireworks, save ordinary crackers and flower-pots, in the [Civil and Military Station of Bangalore] without a license in the annexed form from the [District Magistrate], for which license a fee of one rupee shall be payable.

2. * * * * *

3. No person shall let off any kind of fireworks in the public streets within the said [Civil and Military Station of Bangalore]. Any person offending against this rule shall be liable on conviction before a Magistrate to a penalty not exceeding 20 rupees.

4. Whoever shall let off rockets or send up fire-balloons or discharge any fireworks, save ordinary crackers and flower-pots, in the [Civil and Military Station of Bangalore] without a license as aforesaid shall be liable, on conviction before a Magistrate, to a penalty not exceeding 50 rupees for any one such offence.

5 * * * * *

6 The [District Magistrate] may at his discretion and after 30 days' notice withdraw or suspend any license granted under these rules.

7. In the event of any rockets being let off or fire-balloons sent up within the precincts of any private premises or compound in the [Civil and Military Station of Bangalore] without the express permission in writing of the [District Magistrate] the occupier or owner or person, under whose immediate control the said premises or compound is, shall be liable to a fine not exceeding 50 rupees, unless he can prove who the person having committed the offence is and that the offence was committed without his knowledge.

LICENSE FOR POSSESSION OF GUNPOWDER TO MANUFACTURE FIREWORKS.³

* * * * *

¹ Footnote 1 on page 417 *supra* applies equally to these rules

² See also section 152, Bangalore Municipal Law, 1897, printed *infra*, p. 506

³ For provisions relating to possession, manufacture, and sale, see now the Rules under the Indian Explosives Act, 1884, as applied to the Civil and Military Station Printed Vol III, p. 431. Accordingly Rules 2 and 5 and the license form relating to those matters have been omitted.

The following fireworks as described below are permitted to be used —

Number and description of fireworks	For what purpose required	When, where and by whom to be used	From whom the fireworks to be obtained	REMARKS

[*Mysore Gazette*, 1879, Pt I, p. 124.]

¹No. 172, dated the 11th February 1881 — The following rules for licensing and regulating Talimkhanas or Gymnasias in the principal towns of Mysore having received the sanction of the Governor-General in Council are published for general information. —

¹Rules for the regulation of Talimkhanas

1. * * * * *

2. The proprietor of every Talimkhana shall be required to apply to the Magistrate of the District for a license. Should the Magistrate of the District grant the license, the Talimkhana for which it is granted shall be registered as follows, in a book to be kept for the purpose, on payment of a fee of Rs. 10 by the applicant.

3 The register shall contain the following particulars :—

1st —The number

2nd —The name of the Mohala

3rd.—The name of the Talimkhana.

4th —The name of the proprietor.

5th —His calling or profession.

4. No proprietor of a Talimkhana * * shall be allowed to keep his Talimkhana open without a license, and any proprietor, manager, or keeper of a Talimkhana * * who keeps his Talimkhana without a license shall be liable, on conviction before a Magistrate, to a fine not exceeding Rs. 500.

5. Every license shall remain in force for twelve months, to be renewed at the end of that period by the holder on payment of a fee of Rs 10.

6. No license will be issued until the proprietor of the Talimkhana furnishes two securities in Rs. 50 each for his due compliance with the terms of

¹ Footnote 1 on page 417 *supra* applies equally to these rules.

these rules, and in the event of breach of the same being established against him before a Magistrate the said securities will be liable to forfeiture of the amount for which they become security.

7. A list of persons who frequent the Talimkhana shall be furnished by the proprietor to the Chief Police Officer * * whenever it is called for.

8. No proprietor of a Talimkhana shall harbour any bad character or allow gambling to be carried on within his premises. In the event of any bad character seeking a refuge in the Talimkhana, it will be the duty of the proprietor to give immediate information to the Police.

9. Every proprietor of a Talimkhana shall cause a board to be placed in some conspicuous position on which the name of the Talimkhana and the name of the proprietor will be legibly written.

10. On all occasions of Muhammadan or Hindu festivals, the proprietor will be held responsible for the conduct of those who frequent the Talimkhana.

11. The Police shall have full permission to visit any Talimkhana at any time.

12. Except with the special permission in writing of the Magistrate having local jurisdiction, no Talimkhana will be allowed to remain open after 9 o'clock at night.

13. Any infringement of any of the above rules will render the proprietor liable to forfeiture of his license, which may be at any time withdrawn by the Magistrate of the District, and in addition the proprietor, manager, or keeper of a Talimkhana shall be liable on conviction by a Magistrate of breach of any of the rules 7, 8, 9 or 12 to a fine of Rs. 500.

14. Nothing in these rules shall prevent the District * * Magistrate from at any time closing any Talimkhana, should he consider it necessary in the interests of the public to do so.

15. A copy of these rules will be kept in the possession of the proprietor of every Talimkhana.

[*Mysore Gazette*, 1881, Pt I, p. 109.]

Printing and publication of newspapers and other printed works.

No. 2651-I, dated the 25th June 1891.—Printed in Appendix XV.

Execution in British India of capital sentences of British courts beyond British India.

No. 1431-I, dated the 15th August 1893.—Printed in Appendix XIII.

No 1756-I. A., dated the 29th May 1896 —In exercise of the powers conferred by ¹sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to prescribe the following rules for the better avoidance of loss through the default of Public Accountants in the Civil and Military Station of Bangalore .—

Rules for avoiding
loss through Public
Accountants.

1. For the purpose of these rules, every person is a Public Accountant who, by reason of any office held by him in the service of the Government of India or of the Municipal Commissioners of the Civil and Military Station of Bangalore, is entrusted with the receipt, custody or control of any money or security for money, or the management of any buildings or land in the possession of the Government of India or the Municipal Commissioners of Bangalore, or who, as official assignee, trustee or receiver, or in any other official capacity, is entrusted with the receipt, custody or control of any money or security for money, or the management of any buildings or lands belonging to any other person or persons.

2 Every Public Accountant shall give security for the due discharge of the trusts of his office, and for the due account of all moneys which shall come into his possession or control by reason of his office.

3 In default of any law having special reference to the office of any Public Accountant, the security to be given shall be of such amount and kind, real or personal, or both, and with such sureties, as the Resident in Mysore, with the previous sanction of the Governor-General in Council, may from time to time prescribe.

4. The head of the office to which any Public Accountant belongs may proceed against such Public Accountant or his sureties or both for any loss or defalcation in his accounts as if the amount thereof were an arrear of land revenue due to Government.

5. All laws or rules for the time being in force in the Civil and Military Station of Bangalore for the recovery of arrears of land revenue due to Government and for the recovery of damages by any person wrongfully proceeded against for any such arrear shall apply, with such changes in the form of procedure as may be necessary to make them applicable to the case, to any proceedings against or by such Public Accountant.

[*Gazette of India*, 1896, Pt. I, p. 416.]

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

² See notification No. 4307, dated the 15th October 1897. Printed Vol. III, p. 711.

THE BANGALORE MUNICIPAL LAW, 1897.

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A Law to provide for the better management of the municipal affairs of the Civil and Military Station of Bangalore.

Whereas it is expedient to make better provision for the administration of the municipal affairs of the Civil and Military Station of Bangalore, It is hereby ordered as follows :

CHAPTER I.—PRELIMINARY.

Short title, extent and commencement.

1. (1) This Law may be called the Bangalore Municipal Law, 1897.

(2) It extends to the Civil and Military Station of Bangalore as defined for the time being by notification under this Law ; and

(3) It shall come into force at once.

2. (1) The Regulations published with the Notification of the Government of India in the Foreign Department, No. 319-I, dated the 9th February, 1883,

Repealing and saving clauses.

and amended by subsequent notifications, are hereby repealed, but not so as to affect the validity of anything done or suffered thereunder, or any right, privilege, obligation or liability acquired, accrued or incurred thereunder, before this Law comes into force.

(2) All Municipal Commissioners and officers of the Municipal Commission of the Civil and Military Station of Bangalore appointed, elected or nominated, and all bye-laws or rules prescribed, limits defined, budgets passed, assessments, valuations, measurements and appointments made elections held, powers conferred, salaries fixed, notifications published, notices issued, taxes, tolls, rates, cesses and fees imposed or assessed, contracts entered into and suits instituted under any Act or Regulation hitherto in force relating to the matters hereinafter dealt with, shall, so far as may be, be deemed to have been respectively appointed, elected, nominated, prescribed, defined, passed, made, held, conferred, fixed, published, issued, imposed, assessed, entered into and instituted under this Law.

Definitions

3. In this Law, unless there is anything repugnant in the subject or context,—

- (1) " Station " means the Civil and Military Station of Bangalore as defined for the time being by notification under section 4 :
- (2) " Resident " means the Resident in Mysore :
- (3) " Commission " means the Municipal Commission of the Station :
- (4) " President," " Vice-President," " Secretary " and " Commissioner " mean, respectively, the President, a Vice-President, the Secretary and any member of the Commission :
- (5) " inhabitant " includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in the Station :
- (6) " owner " includes the person for the time being receiving the rent or profits of lands and buildings or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant .

(7) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge, or causeway .

(8) "explosive"—

(a) means gunpowder, nitroglycerine, dynamite, gun-cotton blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion, or a pyrotechnic effect, and

(b) includes fog signals, fireworks, fuzes, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as above defined .

(9) "petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine and any inflammable liquid which is made from petroleum coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum, but it does not include any oil ordinarily used for lubricating purposes and having its flashing point at or above two hundred degrees of Fahrenheit's thermometer :

(10) "notification" means a notification published under this Law in the local official Gazette :

(11) "notified" means published as aforesaid :

(12) "rule" means a rule under this Law : and

(13) "bye-law" means a bye-law made at a special meeting of the Commission under this law.

4. The Governor General in Council may, from time to time, by notification,¹ declare what, for the purposes of this Law, shall be the area and limits of the Station and may, at any time in like manner, alter such area and limits

5. Subject to the provisions of the next following section and of section 70, this Law shall not apply to any barracks, hospitals, guard rooms, barrack-yards, hospital enclosures or other buildings or lands in exclusive possession of the Military authorities for military purposes, and notified² as such by the Governor General in Council.

¹ See No. 1527-I A, dated the 26th April 1907.

² Notification No. 3955-I.A., dated the 29th December 1899. } Printed Vol. III, p. 712.

6. The Governor General in Council may, by notification¹, exempt any local area, buildings, or lands in the Station from the operation of all or any of the provisions of this Law or of the rules, and bye-laws thereunder, and may, in like manner, apply all or any of the said provisions to any of the buildings or lands described in section 5 or to any other local area.

7. Notwithstanding anything contained in this Law, the Governor General in Council may, by notification², apply all or any of the provisions of any Cantonment Act or Regulation or of any rules³ thereunder to the Station or to any buildings, lands or local area comprised in the Station, and may, in like manner, withdraw the application of any such provisions

CHAPTER II.—THE COMMISSION.

Municipal constitution.

8. (1) The municipal affairs of the Station shall be administered by a body to be styled the Municipal Commission of the Civil and Military Station of Bangalore and consisting of a President and twenty-five other Commissioners.

(2) Subject to the provisions of section 16 and of section 19, sub-section (2) the Commissioners shall be appointed by the Resident either by name or by office, or shall be elected from among the inhabitants in accordance with rules made under this Law, or shall be partly appointed and partly elected as aforesaid according as the Resident may, by notification³, direct :

Provided that,—

- (a) if the Resident has directed that the elected members shall constitute the whole or any portion of the Commission, he shall not afterwards direct that they shall constitute any smaller proportion thereof except in compliance with the request of a majority of the electors for the time being, or for some reason which the Resident may deem to affect the public interest, and,
- (b) unless the Governor General in Council otherwise directs, the appointed members who are salaried officers of Government, shall not exceed one-third of the whole Commission.

¹ See No 596-I.A., dated the 7th February 1908. Printed Vol III, p 713

² Sections 179 and 214 of the Cantonment Code, 1912, were applied to the Civil and Military Station by notification No 1628-I B, dated the 30th July 1912 Printed Vol III, p. 713.

³ See No. 675, dated the 11th February 1904. Printed Vol. III, p 713.

(3) When, under a direction issued under sub-section (2), any places on the Commission are required to be filled by election and a sufficient number of Commissioners are not elected to fill such places, the Resident may fill them by appointment.

9. (1) If a Commissioner is appointed by office, the person for the time being holding the office shall be Commissioner until the Resident otherwise directs

Term of office of Commissioners.

(2) The term of office for which all other Commissioners shall be appointed or elected, as the case may be, shall be fixed by the Resident by rule¹ and may be so fixed as to provide for the retirement of Commissioners by rotation, but shall not exceed three years

(3) An outgoing Commissioner may, if otherwise qualified, be re-elected or re-appointed.

10. (1) Any Commissioner wishing to resign shall forward his written resignation through the President to the Resident.

Resignation of Commissioner

(2) When the acceptance of such resignation by the Resident has been communicated to the Commission, the Commissioner shall be deemed to have vacated his seat.

Power of the Resident as to removal of Commissioners

11 (1) The Resident may, by notification, remove any Commissioner,

- (a) if he refuses to act, or becomes, in the opinion of the Resident, incapable of acting, or has been declared a bankrupt or an insolvent or convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Resident, a defect of character which unfits him to be a Commissioner ;
- (b) if he has been declared by notification in any Government Gazette to be disqualified for employment in, or has been dismissed from, the public service ;
- (c) if he has absented himself for more than three consecutive months from the meetings of the Commission ;
- (d) if his continuance in office is, in the opinion of the Resident, dangerous to the public peace or order ; or,
- (e) in the case of a salaried officer of the Government, if his continuance in office is, in the opinion of the Resident, unnecessary or undesirable.

(2) A person removed under this section shall be disqualified for election unless and until the Resident otherwise directs.

¹ See Notification No 675, dated the 11th February 1904 Printed Vol. III, p. 713.

12. (1) Whenever a vacancy occurs by the death, resignation or removal of any elected Commissioner, a new Commissioner shall be elected in accordance with the rules to fill the vacant place.

Provided that the Resident may direct in any such case that the vacancy shall be left unfilled.

(2) Upon the death, resignation or removal of any appointed Commissioner, the Resident may, if he thinks fit, appoint a new Commissioner to fill the vacant place.

(3) Every person elected or appointed to fill a casual vacancy shall hold his seat for the time for, and subject to the conditions upon, which it was tenable by the person in whose place he has been so elected or appointed, and no longer; but he may, if otherwise qualified, be re-elected or re-appointed.

13 Every election and appointment of a Commissioner, shall be notified by the Resident.

14. (1) The Commission shall be a body corporate by the name of the Municipal Commission of the Civil and Military Station of Bangalore; it shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the provisions of this Law, to transfer any property held by it and to do all other things necessary for the purpose of its constitution, and it may sue and be sued in its corporate name.

15. Every Commissioner shall be deemed to be a Municipal Commissioner within the meaning of any enactment for the time being in force.

16. (1) The office of President shall be held, unless otherwise ordered by the Governor General in Council, by the District Magistrate of the Station to be ordinarily the President.

17. The Commission may, from time to time, elect one or two of the Commissioners to be Vice-President or Vice-Presidents, and every Vice-President so elected shall, if approved by the Resident, hold the office of Vice-President for such term as the Resident may by rule fix:

Provided that, if the Commission, instead of electing a Vice-President, applies to the Resident to nominate a Vice-President from among the Commissioners, or if no election has been made within one month from the

occurrence of a vacancy in the office of Vice-President, or if the Resident does not approve, the Vice-President elected, the Resident may, if he thinks fit, appoint one of the Commissioners to be a Vice-President for the like term

18. Upon the occurrence of any vacancy in the office of Vice-President, a new Vice-President shall be elected or appointed in the manner provided by section 17.

Casual vacancies in office of Vice-President

19 (1) The Resident may appoint from time to time such officers of the Commission as he may think necessary for the due performance of the various duties assigned to it, and may at his pleasure suspend or remove them. Such officers shall receive out of the Municipal Fund such allowances as the Resident, after consulting the Commission, may fix :

Officers to be appointed by the Resident, such as a Medical Officer, an Engineer and a Secretary

Provided that there shall always be a Medical Officer, an Engineer and a Secretary among the officers of the Commission ; and that no other salaried officer shall be created by the Resident without the consent of the Commission.

(2) The Medical Officer shall be *ex-officio* a Commissioner. The Engineer and the Secretary may be appointed, but shall not be elected, Commissioners.

20. Subject to the provisions of this Law and any rules thereunder, the Commission may employ, in addition to the officers who may be appointed under section 19, such other officers and servants on salaries, not exceeding in any case three hundred rupees per mensem, as may be necessary or proper for the efficient execution of its duties, and may remove or dismiss any officer or servant so employed.

Other officers to be appointed by the Commission.

Pensions.

21. (1) All officers and servants of the Commission entertained in permanent employment on or after the first day of January, 1892, shall be entitled to pensions or gratuities in accordance with the rules contained in the Civil Service Regulations. Such pensions or gratuities shall be granted by order of the Resident, and shall be paid by the Commission from the Municipal Fund in accordance with such order. For

Pensions and gratuities to officers and servants.

the purpose of meeting such charges a deduction of five per cent. shall be made from the salaries of all such officers and servants, [except those whose pay does not exceed rupees ten per mensem.]¹

(2) The provisions of sub-section (1) shall be extended to officers and servants who entered the service not more than five years before the first day of January, 1892, provided that a deduction of five per cent. shall have been made from the salaries of such officers and servants from the date on which this system came into force, that is to say, from the first day of October, 1892.

(3) The said provisions may also be extended to officers and servants who entered the service of the Commission more than five years, but not more than fifteen years, before the first day of January, 1892, provided that they shall have contributed by deduction from their salaries, with effect from the date on which this system came into force, that is to say, from the first day of October, 1892, ten per cent of their salaries for the number of years by which their previous service exceeded five years, and afterwards five per cent.

22. The Commission may, with the sanction of the Resident, give a Special pension or gratuity. gratuity to, or purchase an annuity for any officer or servant retiring from their service who is not entitled to pension or gratuity under section 21.

Committees

23. (1) The Commission shall appoint from among its members a standing Health Committee to advise and report upon matters relating to sanitation, conservancy, food and water-supply, the registration of vital statistics, vaccination and other matters pertaining to the health of the Station.

(2) The Medical Officer shall be a member and *ex-officio* Chairman of the Health Committee.

24. The Commission may from time to time appoint from among its members such other Committees consisting of such number of persons as it thinks fit to advise and report on any matters connected with the purposes of this Law other than those mentioned in the last foregoing section.

¹ Added by notification No. 912-I. B., dated the 18th May 1910 *Gazette of India*, 1910, Pt. I, p. 331.

25. (1) The Commission may, by bye-law, delegate the current executive
 Delegation of executive powers of administration of any of its duties to a Vice-
 Commission. President, Committee or officer of the Com-
 mission, and may, in like manner, resume such administration :

Provided that, when a bye-law has been passed delegating any powers of
 the Commission as aforesaid, it shall not be rescinded except on a vote of a
 majority of all the Commissioners.

(2) In all matters of which the executive administration has not been
 delegated as aforesaid, it shall vest in the President.

Conduct of business.

26 (1) The Commission shall meet for the transaction of business at
 least once in every month at such time as
 Time for holding meetings. may, from time to time, be fixed by bye
 law.

(2) The President, or, in his absence, a Vice-President, may, whenever he
 thinks fit, and shall, on a requisition made in writing by not less than one-
 fifth of the Commissioners, convene either an ordinary or a special meeting at
 any other time.

Ordinary and special meetings. 27. (1) Every meeting of the Commission
 shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless re-
 quired by this Law or the rules to be transacted at a special meeting.

28. (1) The quorum necessary for the transaction of business at a special
 meeting of the Commission shall be one
 Quorum. half of the Commission.

(2) The quorum necessary for the transaction of business at an ordinary
 meeting of the Commission shall be such number or proportion of the Com-
 missioners as may, from time to time, be fixed by bye-law, but shall not be
 less than six :

Provided that, if at any ordinary or special meeting of the Commission a
 quorum is not present, the Chairman shall adjourn the meeting to such other
 day as he may think fit, and the business which would have been brought
 before the original meeting if there had been a quorum present, shall be
 brought before, and transacted at, the adjourned meeting, whether there is a
 quorum present thereat or not.

29. At every meeting of the Commission the President, or, in his absence
 or during the vacancy of his office, the senior
 Chairman of meeting. Vice-President present, and if there be no

President or Vice-President present, then such one of their number as the Commissioners present may elect, shall preside as chairman.

30. Subject to the provisions of this Law and of any rules thereunder, all questions which come before any meeting of the Commission, shall be decided by a majority of the votes of the Commissioners present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote.

31. (1) Minutes of the proceedings at each meeting of the Commission shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting, shall be published in such manner as the Resident may direct, and shall, at all reasonable times and without charge, be open to inspection by any inhabitant.

(2) A copy of every resolution passed at any meeting of the Commission shall, within three days from the date of the meeting, be forwarded to the Resident.

32. (1) The Commission may, from time to time, make bye-laws, consistent with this Law and with any rules thereunder, as to—

- (a) the time and place of its meetings ;
- (b) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given ;
- (c) the quorum necessary for the transaction of business at ordinary meetings ;
- (d) the conduct of proceedings at meetings and the adjournment of meetings ;
- (e) the custody of the common seal and the purposes for which it shall be used ;
- (f) the person or persons to be primarily responsible for the current executive administration and his or their powers ; that is to say what portion of the executive authority shall be exercised by the President, by a Vice-President, by Committees and by officers of the Commission ;
- (g) the persons by whom receipts shall be granted on behalf of the Commission for money received under this Law ,
- (h) the appointment, duties, leave, suspension and removal of its officers and servants ; and
- (i) all other similar matters

(2) No bye-law made under clause (c) or clause (f) of sub-section (1) shall take effect until it has been approved by the Resident.

(3) Every bye-law made under this section shall be published in such manner as the Resident may direct.

33. In case of emergency the President, or, in his absence or during any vacancy in his office, the Vice-President may direct the execution of any work or the doing of any act which the Commission is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the Municipal Fund :

Extraordinary powers of President and Vice-President in case of emergency

Provided that—

- (a) he shall not act under this section in contravention of any order of the Commission ; and
- (b) every direction given under this section shall be reported to the next following meeting of the Commission.

Defects in constitution and irregularities.

34. No act done or proceeding taken under this Law shall be questioned on the ground merely of the existence of any vacancy in the Commission or on account of any defect or irregularity not affecting the merits of the case.

Vacancies and irregularities not to invalidate proceedings.

Contracts

35. (1) The Commission may, subject to the provisions of this Law, delegate to one or more of the Commissioners the power of entering on its behalf into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts

Authority to contract.

(2) No contract by or on behalf of the Commission whereof the value of amount exceeds five hundred rupees, shall be entered into until it has been sanctioned at a meeting of the Commission.

36 (1) Every contract made by or on behalf of the Commission whereof the value or amount exceeds one hundred rupees shall be in writing, and shall be signed by the President, or a Vice-President, and by one other Commissioner, and countersigned by the Secretary :

Mode of executing contract and transfers of property.

Provided that, when the power of entering into any contract on behalf of the Commission has been delegated under the last foregoing section, the signature or signatures of the Commissioner or Commissioners to whom the power has been delegated, shall be sufficient.

(2) Every transfer of immoveable property belonging to the Commission must be made by an instrument in writing executed by the President, or Vice-President, and at least two other Commissioners, whose execution thereof shall be attested by the Secretary

(3) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provision of this section shall be binding on the Commission.

37. (1) If any Commissioner or any officer or servant of the Commission is, without the permission in writing of the Resident, directly or indirectly interested in any contract made with the Commission, he shall be deemed to have committed an offence punishable under section 168 XLV of 1860. of the Indian Penal Code, as applied¹ to the Station.

(2) No Commissioner or officer or servant of the Commission shall, by reason only of his being a shareholder in, or a member of, any incorporated or registered company, be deemed to be interested in any contract entered into between such company and the Commission ; but no such person as aforesaid shall take part in any proceedings of the Commission relating to any such contract.

Privileges and liabilities

38. No suit shall be instituted against the Commission or against any officer or servant of the Commission in respect of any act purporting to be done in its or his official capacity, until the expiration of one month next after notice in writing has been, in the case of the Commission, delivered or left at its office, and, in the case of an officer or servant delivered to him or left at his office or place of abode, stating the cause of action, and the name and place of abode of the intending plaintiff ; and the plaint shall contain a statement that such notice has been so delivered or left :

I of 1877 Provided that nothing in this section shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877, as applied¹ to the Station.

39. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the Commission, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a Commissioner, and a suit for compensation for the same may be instituted against him by the Commission with the sanction of the Resident, or by the

¹ See notification No 732-D., dated the 19th March, 1913, printed, *supra*, p. 290.

Secretary of State for India in Council, in such Court as the Resident may direct

Acquisition of land.

40. Where any land within the limits of the Station is required for the purposes of this Law, the Resident may, at the request of the Commission, proceed to acquire it under the provisions of the Land Acquisition Act, 1894,¹ as applied to the Station, and, on payment by the Commission of the compensation awarded under that Act and of any other charges incurred in acquiring it, the land shall vest in the Commission

CHAPTER III — TAXATION.

General provisions.

41. (1) Subject to any general or special orders which the Governor General in Council may make in this behalf and to any rules under this Law, the Commission may, from time to time, for the purposes of, and in the manner directed by, this Law impose in the whole or any part of the Station any of the following taxes and tolls, namely :—

(A) with the previous sanction of the Resident :—

(a)² a tax on buildings and lands

- (i) not exceeding 10 per cent. on the annual value, or
- (ii) not exceeding one anna per square yard of the ground area, or
- (iii) not exceeding three rupees per running foot of frontage in streets or bazaars ,

(b)³ a tax on persons practising any profession or art or carrying on any trade or calling in the Station ;

(c)⁴ a tax on all or any vehicles, animals used for riding, driving, draught or burden, and dogs, when the vehicles, animals used as aforesaid, and dogs, are kept in the Station ;

(d)⁴ a toll on vehicles and animals used as aforesaid entering the Station and not liable to taxation under the last foregoing clause ;

(e)⁵ an octroi on animals or goods or both brought within the octroi limits, for consumption or use therein ; and

¹ See footnote on previous page.

² See notification No 6780, dated the 31st March 1908 Printed Vol. III, p 720.

³ See Vol. III, pp 720 and 721

⁴ See notification No 4536, dated the 29th September, 1899 Printed Vol. III, p 721.

⁵ See Vol. III, pp. 723 and 724.

(B) with the previous sanction of the Resident and of the Governor-General in Council, any other tax :

[Provided that it shall be lawful for the President of the Municipal Commission to compound with persons living outside the municipal limits for a sum to be paid annually or half-yearly, in lieu of all tolls payable under the provisions of this law in respect of vehicles or animals entering the municipal limits, and the President shall issue licenses for such vehicles or animals : and while such licenses shall remain in force, such vehicles and animals shall be exempt from all tolls as aforesaid upon entering the municipal limits : provided always that such composition shall include all the vehicles and animals possessed by the person compounding.]¹

Provided, also, that no tax or toll shall be levied in respect of—

- (i) Any buildings, lands, vehicles or animals belonging to the Government of India, the Mysore Government or the Commission ; or
- (ii) Any cavalry horses or horses being chargers of military officers.

(2) In this section “ annual value ” means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and in the case of houses, may be expected to let unfurnished :

[Provided that in the case of any building not erected for purposes of being rented and not ordinarily let, the annual value thereof shall be deemed to be six per cent on the estimated present cost of erecting the building, less a reasonable amount on account of depreciation, and the estimated cost of the land in or on which the building is erected]²

Provided² [also] that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Resident so direct, be deemed to be double the amount of the land-revenue for the time being assessed on the land whether such assessment is leviable or not, or when the land-revenue has been wholly or in part compounded for or redeemed, double the amount which, but for such composition or redemption, would have been leviable.

42. When the Commission has, in exercise of the powers conferred by this

House-scavenging tax. Law, undertaken the house-scavenging of any house or building, it may charge the

owner or occupier of such house or building, in respect of the house-scavenging done therein, with a tax³ imposed in the manner directed by this Law at such rate as it may think fit.

¹ Substituted by notification No 5069-I. A., dated the 21st December 1906 *Gazette of India*, 1906, Pt. I, p 926.

² Added by notification No. 912-I.B., dated the 13th May 1910 *Gazette of India*, 1910, Pt. I, p 381

³ Included in the tax on buildings and lands. See notification No. 6780, dated the 31st March 1906. Vol. III, p. 720

43. (1) Besides the taxes mentioned in the foregoing sections, the Commission, with the previous sanction of the Governor General in Council, may for

Water tax

the purpose of constructing or maintaining works for the supply of water to the Station or paying the principal or interest of any loan raised for the construction of such works, impose,¹ in the manner directed by this Law, a tax to be called the water tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the water tax imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and their level, but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water-supply from the works under special contracts, should not exceed the amount required for the said purposes.

44. (1) The Commission may, at a special meeting, pass a resolution proposing the imposition of any tax under section 41, section 42 or section 43.

Procedure in imposing taxes

(2) When such a resolution has been passed, the Commission shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the said notice, submit his objection in writing to the Commission, and the Commission shall, at a special meeting, take his objection into consideration.

(4) If no such objection is received within the said period of thirty days or if all such objections, having been considered as aforesaid, are deemed insufficient, the Commission may forward its proposal to the Resident, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(5) The Resident on receiving such proposal may sanction or refuse to sanction the same, or return it to the Commission for further consideration.

(6) When any such proposal which requires the further sanction of the Governor General in Council, has been sanctioned by the Resident, he shall submit the same to the Governor General in Council, with the objections (if any) received through the Commission : and the Governor General in Council may sanction the proposal or refuse to sanction it, or return it to the Resident for further consideration.

¹ See notification No 4573, dated the 30th September 1899 Vol III, p 724.

(7) When any proposal of the Commission has been sanctioned by the Resident, or by the Resident and the Governor General in Council, as the case may be, the Commission may, at a special meeting, direct the imposition of the tax in accordance with such proposal.

(8) In giving such direction, the Commission shall fix a date on which the tax shall come into force :

Provided that—

(a) No tax shall come into force until its imposition has been notified :

(b) No tax shall come into force before the expiration of three months from the date of the meeting at which its imposition is directed :

(c) A tax leviable by the year shall come into force on the first day of January or on the first day of April or on the first day of July or on the first day of October in any year, and, if it comes into force on any day other than the first day of April shall be leviable by the quarter till the first day of April then next ensuing ?

(9) A notification of the imposition of a tax under this Law shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Law.

45. The Commission may, by a resolution passed at a special meeting and confirmed by the Resident, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to abolish or reduce tax.

46. (1) The Commission may exempt, in whole or in part, for any period not exceeding one year, from payment of any such tax any person who by reason of poverty may, in its opinion, be unable to pay the same, and may renew such exemption as often as may be necessary.

Power to exempt from taxation.

(2) The Commission may, by resolution passed at a special meeting and confirmed by the Resident, and the Resident may, by order,¹ exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

47. No assessment and no charge or demand of any tax made under this Law shall be impeached or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, or of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect

Taxes not invalid for defect of form

¹ See notification No 3475, dated the 21st August 1897. Vol III, p 725.

of form ; and it shall be enough in any such tax on property, or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

48. Any tax imposed under this Law and payable periodically shall be payable on such dates and in such instalments (if any) as the Commission may from time to time direct.

Taxes when payable.

49. For all sums paid on account of any tax under this Law a receipt stating the amount and the tax on account of which it has been paid, shall be given by the person receiving the same, on request by the person making the payment

Receipts to be given

50. (1) An appeal against the assessment or levy of any tax under this Law shall lie to the officer holding the appointment of District Judge unless that officer is himself a Commissioner, when it shall lie to the First Assistant to the Resident or such other officer, not being a Commissioner, as may be empowered by the Resident in this behalf.

Appeals against taxation.

(2) The Resident may call for a report of the proceeding in any case in which it appears to him that there has been an illegality or material irregularity in the assessment or levy of any tax under this Law, and may pass such orders thereon as he thinks fit

(3) In every appeal or every revision the costs shall be in the discretion of the officer deciding the appeal or revision.

(4) Costs awarded under this section to the Commission shall be recoverable by the Commission as though they were arrears of a tax due from the appellant.

(5) If the Commission fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having the custody of the balance of the Municipal Fund to pay the amount

51. (1) No appeal shall lie in respect of a tax on any land or building, unless it is preferred within seven days after the publication of the notice prescribed by section 57 (2) or section 59 or after the date of any final order under section 58, as the case may be, and no appeal shall lie in respect of any other tax unless it is preferred within seven days from the time when the demand for the tax is made [or in the case of any tax levied which, under any general or special bye-law or rule in force, is liable to be refunded, within seven days

Limitation of appeal.

from the date of the order passed by the Commission regarding such refund] ¹

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred, that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the appellant has paid all taxes due under this Law from him to the Commission up to the date of such appeal.

52. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided by this Law.

Duty of furnishing true information regarding liability to Municipal taxation.

53. [For the purposes of this chapter, the Commission may, by notice in writing,

- (1) (a) call on the owner of any land or building to furnish, within a week after the service of the notice, returns of the rent actually received for such land or building, of the measurements thereof and of the cost of erecting the building, and
- (b) call on the occupier of any land or building to furnish, within a week after the service of the notice, a return of the rent actually paid for such land or building and of the name of the owner
- (2) Every owner or occupier on whom such requisition is served shall be bound to comply with the same and to make a true return to the best of his knowledge and belief.
- (3) If any person so called upon to furnish information (a) omits to furnish it, or (b) furnishes information which he knows or has reason to believe to be untrue, he shall be punishable in case (a) with fine which may extend to ten rupees, and in case (b) with fine which may extend to one hundred rupees.]²

Taxes on immoveable property.

54. (1) The Commission shall cause an assessment list of all buildings and lands on which any tax is imposed to be prepared containing—

- (a) The name of the street or division in which the property is situated ;

¹ Added by notification No 5069-I.A., dated the 21st December 1906 *Gazette of India*, 1906, Pt. I, p 926.

² Substituted by notification No. 912-J.B., dated the 13th May 1910. *Gazette of India*, 1910, Pt. I, p. 381.

- (b) A designation of the property, either by name or by number, sufficient for its identification ;
- (c) The names of the owner and occupier, if known ;
- (d) The annual value, area or length of frontage on which the property is assessed ; and
- (e) The amount of the tax assessed thereon by the Commission

(2) For the purpose of preparing the list, the Commission may require the owners or occupiers of the buildings or lands to furnish it with the returns of the measurements and of the rent or annual value.

55 When the assessment list has been completed, the Commission shall give public notice thereof and of the place where the list or a copy thereof may be inspected ; and every person claiming to be either the owner or the occupier of property included in the list and any authorized agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

56. (1) The Commission shall, at the time of the publication of the assessment list, give public notice of a time, not less than one month thereafter, when it will proceed to revise the valuation and assessment ; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice of the fact to the owner or occupier of the property

(2) All objections to the valuations and assessments shall be made in writing before the time fixed in the notice.

57. (1) After the objections (if any) made have been inquired into and the persons making them have been given an opportunity of being heard either in person or by authorized agent, as they may think fit, and the revision of the valuation and assessment has been completed, the amendments made in the assessment list shall be authenticated by the signatures of not less than two Commissioners, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein ; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the year commencing on the first day of April next ensuing, as also, in the case of a tax then imposed for the first time, for the period between the commencement of the tax and such first day of April.

(2) The list when amended under this section shall be deposited in the Commission's office and shall there be open during office hours to all

owners or occupiers of property comprised therein, or the agents of such persons, and a public notice that it is so open shall forthwith be given.

58. [(1) The Commission may at any time amend the assessment list by inserting the name of any person whose name ought to have been inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice, to every person interested in the amendment, of a time not less than one month from the date of service of such notice at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the Commission in writing before the time fixed in the notice, and shall be given an opportunity of being heard in support of the same in person or by authorized agent, as he may think fit

(3) When any building is first constructed, re-built or enlarged, the owner shall give intimation thereof to the Commission within fifteen days from the completion of such first construction, re-building or enlargement or from the date of occupation of such building, whichever date happens first. The Commission shall, on receipt of the said intimation, assess the tax leviable in respect of the building. For every whole month intervening between the date of completion or occupation and the end of the half-year, one-sixth of the half-yearly instalment of such new tax or enhanced tax shall be leviable.]¹

59. It shall be in the discretion of the Commission to prepare a new assessment list every year or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment list had been prepared.

60. (1) When any property assessed to a tax under section 41, sub-section (1), division (A), clause (a) or under section 43, which is payable by the year or by instalments has remained unoccupied and unproductive of rent throughout the year or the period in respect of which any instalment is payable, the Commission may remit the amount of the tax or of the instalment, as the case may be :

Remission of tax on unoccupied immovable property.

Provided that no such remission shall be granted unless notice in writing of the circumstances under which it is claimed has been given to

¹ Substituted by notification No. 912-I.B., dated the 13th May 1910 *Gazette of India*, 1910, Pt. I, p. 381.

the Commission within the first month of the period in respect of which it is claimed.

(2) When any such property as aforesaid—

- (a) has not been occupied or productive of rent for any period of not less than sixty consecutive days, or
- (b) consists of separate tenements one or more of which has or have not been occupied or productive of rent for any such period as aforesaid, or
- (c) is wholly or in greater part demolished or destroyed by fire or otherwise,

the Commission may remit such portion (if any) of the tax or instalment as it may think equitable

(3) The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.

(4) For the purposes of this section neither the presence of a caretaker nor the mere retention in an otherwise unoccupied dwelling house of the furniture habitually used in it shall constitute occupation of the house.

(5) For the purposes of this section a house shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation, thereof, whether it is actually occupied by such tenant or not

61. (1) A tax payable under section 41, sub-section (1), division (A), clause (a), shall be paid by the owner of the property in respect of which it is payable

Taxes on immovable property by whom payable.

(2) A tax payable under section 43 shall be paid by the owner or the occupier of the property in respect of which it is payable according as the Commission shall determine.

62. The provisions of sections 54 to 59, both inclusive, shall be applied as far as may be, to the assessment of any tax levied under section 41, sub-section (1), division (A), clause (b).

Procedure in assessing profession tax

Octroi and tolls.

63. (1) Every person bringing or receiving within the octroi limits of the Station any article liable to octroi shall, when required by an officer authorized by the Commission in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

Power to examine and search for article liable to octroi.

- (a) permit that officer to inspect, examine, weigh and otherwise deal with the article ; and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

(2) If any person bringing or receiving any conveyance or package within the octroi limits of the Station refuses, on the demand of an officer authorized by the Commission in this behalf, to permit such officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any article liable to octroi, such officer may cause the conveyance or package to be taken without unnecessary delay before any Magistrate or Commissioner, who shall cause the inspection to be made in his presence.

64. Every officer demanding octroi by the authority of the Commission shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

65. (1) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is payable, or any vehicle or animal on which the toll is chargeable, or any part of the burden carried by such vehicle or animal which is of sufficient value to satisfy the demand.

(2) The Commission may cause any property so seized, or so much thereof as may be necessary, to be sold by auction to satisfy the demand with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale.

Provided that, by order of the President or a Vice-President, articles of a perishable nature which could not be kept for five days without serious risk of damage, may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

66. If goods passing within the octroi limits of the Station are liable to the payment of octroi, then every person who, with the intention to defraud the Commission, causes or abets the introduction of, or himself introduces or attempts to introduce, within the said octroi limits, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend either to ten times the value of such octroi or to fifty rupees, whichever may be greater.

67. (1) The Commission may, with the sanction of the Resident, which shall be notified,¹ require any person selling any article liable to octroi to obtain from the Commission a license for that purpose, and to pay therefor such fees as shall from time to time, with the approval of the Resident, be fixed in that behalf.

(2) After notification of such sanction, —

- (i) any person selling or keeping for sale any such article without a license or having in his possession any such article on which octroi has not been paid shall be liable, on conviction before a Magistrate, to a fine not exceeding rupees one hundred, and to confiscation of all such articles in his possession ; and
- (ii) any officer of the Commission authorized by the Commission in this behalf if he has reason to believe that any such article on which octroi has not been paid, is kept or concealed in any premises, may, after obtaining the warrant of a Magistrate, enter and search at any time such premises, and, if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same .

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the Station within twenty-four hours from the time of such seizure or arrest :

Provided also that nothing in this section shall apply to any such articles not exceeding rupees two hundred in value purchased by any person for his private use or sold by auction consequent on the owner dying or quitting the Station :

- (iii) the provisions of the Code of Criminal Procedure, 1882,² as applied to the Station, shall, so far as may be, apply to all searches and arrests effected under this section.

(3) The Resident may by notification at any time revoke the sanction given by him under sub-section (1), and thereupon a license for the sale of such article as aforesaid shall not be necessary and the other provisions of this section shall in respect of such article cease to have any effect.

¹ See notification No. 5202, dated the 3rd December 1897 Vol III, p 725.

² See now Act V of 1898, as applied by notification No. 732-D., dated the 19th March 1913, printed, *supra*, p. 390.

CHAPTER IV.—MUNICIPAL FUND AND PROPERTY.

68. There shall be formed for the Station a Municipal Fund, and there shall be placed to the credit thereof—
 Constitution of Municipal Fund.

- (a) all sums received by, or on behalf of, the Commission under this Law or otherwise ;
- (b) all fines realised in cases in which prosecutions are instituted under this Law or any rules thereunder or under section 34 of Act V of 1861, as applied to the Station ; and
- (c) the balance (if any) standing at the credit of the Municipal Fund of the Station at the commencement of this Law.

69. (1) The Commission shall set apart and apply out of the Municipal Fund,
 Application of Municipal Fund.

- (a) first, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it ; and
- (b) secondly, such sum as may be required to meet the charges of its own establishment.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Resident may make with respect to the priority to be given to the several duties of the Commission, the Municipal Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters, namely :—

- (a) the construction, maintenance, improvement, cleansing and repair of streets and of public bridges, embankments, drains, latrines, tanks and water-courses ;
- (b) the watering and lighting of streets or any of them ;
- (c) the construction, establishment and maintenance of schools, hospitals, dispensaries and other institutions for the promotion of education or the benefit of the public health, and of rest-houses, chattrams, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions ;
- (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums, and other educational or charitable institutions ;
- (e) the training of teachers and the establishment of scholarships ;
- (f) the giving of relief and the establishment and maintenance of relief works in time of famine or scarcity ;

- (g) the supply, storage and preservation from pollution of water for the use of men or animals,
- (h) the planting and preservation of trees and plants;
- (i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any sanitary measure,
- (j) the holding of fairs and industrial exhibitions; and
- (k) all other acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the Commission, with the sanction of the Resident, to be an appropriate charge on the Municipal Fund.¹

70 The Commission may receive from the military authorities such annual Contribution by military author- contribution (if any) as the Governor General ties. in Council may be pleased from time to time to fix in respect of all municipal institutions, streets, works, establishments or arrangements maintained, executed, entertained or effected from the Municipal Fund, which contribute to the safety, health, welfare or convenience of the inhabitants of the buildings and lands exempted by section 5 from the operation of this Law.

71. The Municipal Fund shall be lodged with the branch Bank of Madras or such other bank or public treasury as may be hereafter selected by the Commission with the sanction of the Resident.

Where the Municipal Fund shall be lodged.

72. (1) The Commission may, from time to time, with the previous sanction of the Resident, invest any portion of the Municipal Fund in securities of the Government of India, or such other securities as the Governor General in Council may approve in this behalf, and may, from time to time, with the like sanction, realize such investments or vary them for others of a like nature.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the Municipal Fund.

73. Subject to the provisions of sections 5 and 6, all property of the nature hereinafter in this section specified and situated within the Station shall be vested in and belong to the Commission, and shall, with all other property which may become vested in the Commission, be under its direction, management and

Property vested in Commission.

¹ For the grant from the Municipal Fund of assistance to indigent persons unconnected with the public service to proceed to the Pasteur Institute at Coonoor for treatment see notification No 25, dated the 24th March 1909. *Gazette of India*, 1909, Pt. II, p 595.

control, and shall be held and applied by it for the purposes of this Law, that is to say—

- (a) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depôts, and public buildings of every description which have been constructed or are maintained out of the Municipal Fund ;
- (b) all public streams, tanks, springs, wells and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well ;
- (c) all public sewers and drains, and all sewers, drains, culverts and water-courses in, alongside or under any street and all works, materials and things appertaining thereto ;
- (d) all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind, or dead bodies of animals, collected by the Commission from the streets, houses, privies, sewers, or elsewhere, or deposited in places fixed by the Commission under section 112 ;
- (e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto ;
- (f) all land or other property transferred to the Commission by the Government or by gift, purchase or otherwise for local public purposes ;
- (g) all streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

74. (1) The direction, management and control of every public institution maintained out of the Municipal Fund shall
Direction, management and control of public institutions. vest in the Commission :

Provided that the extent of the independent authority of the Commission in respect of any such institution may be prescribed by the Resident.

(2) When any public institution has been placed under the direction management and control of the Commission, all property endowments and funds belonging thereto shall be held by the Commission in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

75. The Commission may, with the sanction of the Resident, transfer to
Transfer to Her Majesty of property vesting in Commission Her Majesty any property vesting in the Commission under section 73 or section 74, but not so as to affect any trusts or public rights subject to which the property is held.

CHAPTER V.—POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and buildings.

76. When any land is required for a new street, or for the improvement of an existing street, the Commission may
Power to acquire land for building sites adjoining new streets. proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street

77. The Commission may close temporarily any street or any part thereof for the purpose of repairs, or for the purpose
Power to close streets of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or close permanently any street, and sell the land or such part thereof as may not be required for the purposes of this Law.

78. The Commission may grant permission in writing for the temporary occupation of any street or land vesting in
Power to permit temporary occupation of streets, etc it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at any time in its discretion withdraw any permission granted as aforesaid.

79. The Commission may attach to the outside of any building brackets for lamps in such manner as not to occasion
Power to attach brackets for lamps any injury thereto or inconvenience

80. (1) The Commission may cause a name to be given to any street and to be affixed on any building in such
Names of streets and numbers of buildings. place as it may think fit, and may also cause a number to be affixed to any building, and in like manner may, from time to time, cause such names and numbers to be altered.

(2) [When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced, and if he fails to do so, the Commission may, by written notice, require him to replace the same]¹

(3) Whoever destroys, pulls down or defaces any such name or number or puts up any different name or number from that put up by order of the Commission, shall be punishable with fine which may extend to twenty rupees.

¹ Inserted and the following sub-section renumbered by notification No. 912-I B, dated the 13th May 1910. *Gazette of India*, 1910, Pt. I, p 381.

81. The Commission may direct that within certain limits, to be fixed by
 Roofs and external walls not to be made of inflammable materials. it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable material without its written permission, and it may, by notice, require any person who has disobeyed any such direction, to remove or alter the roofs and walls so made or renewed as it may think fit.

82. (1) If any building or part of a building projects beyond the regular
 Power to regulate line of buildings. line of a street either existing or determined on for the future, or beyond the front of the building on either side thereof, the Commission may, whenever such building or part has been either entirely or in greater part taken down or burnt down or has fallen down, by notice, require such building or part, when being rebuilt, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the Commission :

Provided that the Commission shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The Commission may, on such terms as it may think fit, allow any building to be set forward for the improvement of the line of the street

83. (1) Whoever intends to erect or re-erect any building shall, if required
 Notice of new buildings to do so by any bye-law, give notice in writing in the manner hereinafter prescribed of his intention to the Commission, and the Commission may within six weeks after the receipt of such notice either refuse to sanction the said building, or may sanction the said building either absolutely or subject to any written directions which the Commission may deem fit to issue in respect of all or any of the matters following, namely —

- (a) the free passage or way in front of the building ;
- (b) the space to be left about the building to secure the free circulation of air and facilitate scavenging, and for the prevention of fire ;
- (c) the ventilation and the provision and position of drains and privies, and the situation of wells ;
- (d) the level and width of foundation, the level of lowest floor and the stability of the structure ; and
- (e) the line of frontage with neighbouring buildings, if the building abuts on a street.

The person erecting or re-erecting any such building as aforesaid shall obey all such written directions.

Provided that the Commission shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) Every person giving notice to the Commission under sub-section (1) shall, if required to do so by any bye-law, forward along with his notice a plan and specification of the building which he intends to erect or re-erect together with a site-plan of the land of such character and with such detail as the bye-law may require, and no such notice shall be valid until such plans and specification have been supplied.

(3) In any case to which sub-section (2) does not apply, the Commission may, within fifteen days after the receipt of a notice under sub-section (1) require a person who has given such notice to submit within one week of the receipt of the requisition a sufficient plan and specification of the building which he intends to erect or re-erect, together with a site-plan of the land, with such reasonable details as the Commission may prescribe in its requisition; and the notice shall not be valid until such plans and specification have been supplied.

(4) If any such building is begun or erected without notice, or without the submission of such plans and specification as aforesaid, or in contravention of any lawful order of the Commission issued within six weeks of receipt of a valid notice under sub-section (1), the Commission may, by notice to be delivered within a reasonable time, require the building to be altered or demolished as it may deem necessary.

(5) If the Commission neglects or omits for six weeks after the receipt of a valid notice under sub-section (1) to make and deliver to the person who has given such notice, any order in respect thereof, it shall be deemed to have sanctioned the proposed building:

Provided that the erection or re-erection be otherwise in accordance with the provisions of this Law.

(6) Every sanction for the erection or re-erection of any building given or deemed to have been given by the Commission shall remain in force for one year from the date on which the notice shall have become valid and complete and no longer, and, if the building so sanctioned has not been begun by the person who has obtained such sanction, or some one lawfully claiming under him, within such year, it shall not be begun without fresh sanction; but such person as aforesaid may at any subsequent time give fresh notice to the

Commission in the manner hereinbefore prescribed and thereupon the provisions hereinbefore contained shall apply to such notice.

(7) Nothing in this section shall apply to any buildings erected or to be erected on land owned or occupied by the Government of India.

Power of Commission to make bye-laws as to mode of construction of buildings

84. (1) The Commission may, by bye-law regulate in respect of the erection or re-erection of any building within the Station—

- (a) the materials and method of construction to be used for external and party walls, roofs, floors, doors, fire-places and chimneys ;
- (b) the position of fire-places, chimneys, drains, privies and wells ;
- (c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on ;
- (d) the number and height of the storeys of which the building may consist ;
- (e) the means to be provided for egress from the building in case of fire ; and
- (f) the manner in which notice shall be given to the Commission under section 83, sub-sections (1) and (2) :

Provided that the Commission may, by resolution passed at a meeting, dispense with the observance of all or any of the bye-laws made under this section in regard to the erection or re-erection of any building specified in the resolution.

(2) If in and during the erection or re-erection of any building any bye law under this section is contravened, the Commission may, by notice, to be delivered within a reasonable time, require the building to be altered or demolished within the space of thirty days as it may deem necessary :

Provided that no such notice shall issue in respect of the contravention of any bye-law of which the observance has been dispensed with under the proviso to sub-section (1).

Definition of expression "erect or re-erect any building"

85. The expression "erect or re-erect any building" includes—

- (a) any material alteration or enlargement of any building ;
- (b) the conversion into a place for human habitation of any building not originally constructed for human habitation ;
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place ;
- (d) the conversion of two or more places of human habitation into a greater number of such places ;

- (e) such alterations of the internal arrangements of a building as effect an alteration of its drainage or sanitary arrangements or affect its security ; and
- (f) the addition of any rooms, buildings, out-houses or other structures to any building.

86. (1) It shall not be lawful, without the written permission of the Commission, for the owner or occupier of any building to add to, or place against or in front of, the building any projection or structure over hanging, projecting into, or encroaching on, any street, or into or on any drain, sewer or aqueduct therein.

(2) The Commission may, by notice, require the owner or occupier of any building to remove or alter any such projection or encroachment as aforesaid .

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Law, the Commission shall make reasonable compensation for any damage caused by the removal or alteration.

(3) The Commission may, by resolution passed at a meeting, give permission to the owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement wall and at a height from the level of the ground or street, to be specified in the resolution.

Water pipes, privies and drains.

87. The Commission may, by notice, require the owner of any building or land adjoining any street to put and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

88 (1) The Commission may, by notice, require the owner of any building or land to remove any cess-pool or to remove or provide any diain, privy or receptacle for filth, or provide any additional drains, privies or receptacles as aforesaid which should, in its opinion, be provided for the building or land, in such manner as the Commission may direct, or to make to the reasonable satisfaction of the Commission and maintain in good order a drainage connection with any public sewer or drain not situated more than one hundred feet from such building or land as aforesaid .

Provided that such owner shall not be liable for any default in making or maintaining such drainage connection, if the land through which the said

drainage connection is required to pass, does not belong to him and he can prove that the default was caused by the act of the owner or occupier of such last mentioned land.

(2) The Commission may, by notice, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit and to cause the same to be kept in proper order and to be daily cleansed.

(3) The Commission may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the Commission may direct, any door or trap-door of a privy opening on to any street or drain.

89 (1) The Commission may, by notice, require the owner or occupier of
Repair and closing of drains and privies. any building or land to repair, alter or put in good order any drain or privy or to close any drain or privy belonging thereto.

(2) The Commission may, by notice, require any person who constructs any new drain or privy without its permission in writing or contrary to its directions or bye-laws or to any of the provisions of this Law, or who constructs, rebuilds or opens any drains or privy which it has ordered to be demolished or stopped up or not to be made, to demolish the drain or privy or to make such alteration therein as it may think fit.

90. The Commission may, by notice, require any person who, without its
Unauthorized buildings over drains, etc. permission in writing, newly erects or rebuilds any building over any sewer, drain, culvert, water-course or pipe vested in the Commission, to pull down or otherwise deal with the same as it may think fit.

Dangerous buildings and places.

91. If any building, or any well, tank, reservoir, pool, depression or
Power to require buildings, wells, tanks, etc., to be secured excavation is, for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working therein or in the neighbourhood, the Commission may, by notice, require the owner or occupier thereof to repair, protect or enclose the same ; and if it appears to it to be necessary in order to prevent imminent danger, the Commission shall forthwith take such steps to avert the danger as may, in its opinion, be necessary.

92. If any building, wall or structure or anything affixed thereto, or any
Buildings, etc., in ruinous or dangerous state. bank or tree, is deemed by the Commission to be in a ruinous state or in any way

dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such alterations or repairs to be made thereto as it may deem necessary for the public safety; and, if it appears to it to be necessary in order to prevent imminent danger, the Commission shall forthwith take such steps to avert the danger as may, in its opinion, be necessary.

Buildings and lands in unsanitary condition.

93. The Commission may, by notice, require the owner or occupier of any land to clear away and remove any thick vegetation or undergrowth which may appear to it to be injurious to health or offensive to the neighbourhood.

Power to require owner to clear away noxious vegetation.

94. The Commission may, by notice, require the owner or occupier of any land to cut or trim within three days the hedges growing thereon and bordering on any street or any branches of trees growing thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof

Power to require hedges and trees to be trimmed.

95. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the Commission may, by notice, require him within twenty-four hours to cleanse it or otherwise put it in a proper state.

Cleansing of filthy buildings or land.

96. If any building, or any part of any building, appears to the Commission to be unfit for human habitation in consequence of the want of proper means or drainage or ventilation or for any other sufficient reason, the Commission may, by notice, prohibit the owner or occupier thereof from using the same for human habitation, or suffering it to be so used, until it has been rendered fit for such use to the reasonable satisfaction of the Commission.

Power to prohibit use for human habitation of buildings unfit for such use.

97. The Commission may, by notice, require the owner, or part-owner, or person claiming to be the owner, or part-owner, of any building or land which, by reason of abandonment or disputed ownership or other cause, has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time, fixed in the notice.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed

98. (1) The Resident may, on the report of the Commission that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of the Station is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of such crop, the use of such manure or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent the injury :

Provided that, when on any land to which such notification applies, the act prohibited has, in the ordinary course of husbandry, been practised during the five years next preceding the date of the notification, compensation shall be paid from the Municipal Fund to all persons interested therein for any damage caused to them by the effect of such notification

(2) Whoever disobeys any notification issued under sub-section (1) shall be punishable with fine which may extend to fifty rupees and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Sources of water-supply.

99. The Commission may, by notice, require the owner or occupier of any land or building to cleanse, repair, temporarily close, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein which may appear to the Commission to be likely to be injurious to health or offensive to the neighbourhood

Provided that, if for the purpose of effecting any drainage under this section it should be necessary to acquire any land not belonging to the same owner or to pay compensation to any person, the Commission shall provide such land or pay such compensation.

100 The Commission may, by notice, require any owner or occupier on whose land any drain, latrine, urinal or receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is, or may be, derived for public use, to remove or close the same within one week from the date of service of such notice

101. The Commission may set apart suitable places for the purpose of bathing and may specify the times at which and the sex of the persons by whom, such

places may be used, and may also set apart suitable places for the washing of animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or the washing of animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and any other act by which water in public places may be rendered foul or unfit for use.

Articles of food and drink.

Power for Commission to regulate
manufacture, preparation and sale of
food and drink

102. The Commission may, by bye-law,—

- (a) prohibit the manufacture, production or preparation for sale of any specified articles of food or drink in any premises not licensed by the Commission;
- (b) regulate the grant and withdrawal of licences to premises for the manufacture, production or preparation for sale of such specified articles of food or drink;
- (c) regulate the hours and manner of transport within the Station of any specified articles of food or drink;
- (d) fix the places in which any specified article of food or drink may be sold or exposed for sale or the places in which it may not be sold or exposed for sale;
- (e) provide for the inspection and control of any premises or place licensed or fixed under clauses (b) and (d);
- (f) prohibit the sale of milk and butter by persons not licensed by the Commission;
- (g) prohibit the import into the Station for sale of milk and butter by persons not licensed by the Commission; and
- (h) fix the conditions on which licenses under clauses (f) and (g) are to be granted and may be revoked:

Provided that no person shall be punishable for breach of any bye-law made under clause (a) or clause (d) of this section by reason of the continuance of such manufacture, preparation or exposure for sale or sale upon any premises which are at the time of the making of such bye-law used for such purpose, until he has received from the Commission six months' notice to discontinue such manufacture, preparation or exposure for sale or such sale in such premises.

Offensive and dangerous trades

103. (1) The owner or occupier of every place within the Station used for
 Regulation of offensive and dangerous trades. any of the following purposes, namely,—

- depositing or washing soiled clothes ;
- boiling paddy ,
- melting tallow or sulphur ;
- boiling or storing bones, offal, blood or rags ;
- washing or drying wool or hair ,
- as a soap house, camphor or oil boiling house, dyeing house or tannery ;
- as a brick-kiln, pottery or lime-kiln ;
- as any other manufactory or place of business from which offensive or unwholesome smells arise ;
- as a yard or depôt for trade in hay, straw, thatching-grass, wood, coal or other dangerously inflammable material ,
- as a store house for any explosive or for petroleum¹ or any inflammable oil or spirit :

shall in April every year, or in the case of a place newly opened, before the opening of the same, apply to the Commission for a license for the use of such place for any of the purposes aforesaid

(2) The license shall not be withheld¹ unless the Commission considers that the business which it is intended to establish or maintain, would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(3) The Commission may charge fees, according to a scale to be approved by the Resident, for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(4) Whoever, without such a license uses any such place for any such purpose as aforesaid, shall be punishable with fine which may extend to fifty rupees and with a further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

104. (1) Whenever it is shown to the satisfaction of the Commission that
 Power to prohibit such trades. any place licensed under the last foregoing section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the Commission may, by notice, require the occupiers thereof to discontinue the use of such place, or to

¹ Cf. notification No. 2671-I. A., dated the 12th of March 1908, printed Vol. III, p 634.

use it in such manner as will, in the opinion of the Commission, render it no longer a nuisance or dangerous.

(2) Whoever, after any such notice has been given, uses such place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees and with a further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Slaughter-places.

105. (1) The Commission may fix places for the slaughter of animals for sale or of any specified description of such animals, and may grant and withdraw licences for the use of such places, or, if they belong to the Commission, charge rent or fees for the use of the same.

(2) When any such places have been so fixed, no person shall slaughter any such animal for sale at any other place

(3) Whoever slaughters for sale any such animal in contravention of subsection (2) shall be punishable with fine which may extend to twenty rupees.

106. (1) The Commission may, by bye-law, fix places in which the slaughter of animals of any particular kind not for sale shall be permitted, and may prohibit, except in case of necessity, such slaughter elsewhere :

Provided that no such bye-law shall apply to animals slaughtered for any religious purpose.

Burial and burning grounds.

107. (1) The Commission may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood to be closed from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(2) Private burial places in such burial grounds may be excepted from the notice, subject to such conditions as the Commission may impose in this behalf :

Provided that the limits of such burial places are sufficiently defined, and that they shall be used only for the burial of members of the family of the owner thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed after the commencement of this Law without the permission in writing of the Commission.

(4) Whoever buries or burns or causes or permits to be buried or burnt any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, shall be punishable with fine which may extend to fifty rupees.

108 The Commission may, by public notice, prescribe routes for the removal of corpses to burial or burning grounds.

Removal of corpses.

Inflammable materials.

109. The Commission may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stocking or collecting wood, dry grass, straw or other inflammable material or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Inflammable materials.

110 The Commission may, by bye-law, prohibit the lighting of fires in the top storey of any building which, by reason of its contiguity to other buildings, might be a source of danger to the latter in the event of a fire breaking out within it, and the walls of which storey do not exceed seven feet in height, or the placing of stands for lamps and candles in any position which the Commission may deem to be dangerous to the public safety.

Prohibitions for prevention of fire

111. The Commission may, by bye-law, prohibit the storage of more than a fixed maximum quantity of any explosive, petroleum,¹ spirit, naphtha or other inflammable material in any building not licensed under section 103.

Prohibition of excessive storage of petroleum.

General conservancy.

112. The Commission may fix places within the station for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may, by public notice, give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be transported along any street and deposited at or removed from such places.

Removal and deposit of offensive matter

¹ Cf. notification No 2671-I. A., dated the 12th March 1908, printed Vol. III, p. 634.

113. (1) Whenever any animal in the charge of any person dies, otherwise than by slaughter either for sale or for some religious purpose, the person in charge thereof shall within twenty-four hours either—

Special provision with respect to disposal of dead bodies of animals

- (a) convey the carcass to a place (if any) fixed by the Commission under the last foregoing section for the disposal of the dead bodies of animals, or
- (b) give notice of the death to the Commission, whereupon the Commission shall cause the carcass to be disposed of.

(2) Whoever, being bound to act in accordance with sub-section (1), fails so to act, shall be punishable with fine which may extend to ten rupees

(3) In respect of the disposal of the dead body of an animal under clause (b) of sub-section (1), the Commission may charge such fee as it may, by bye-law, prescribe.

Explanation.—In this section the word “animal” includes all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine and other large animals

House-scavenging

114. The removal of filth, rubbish, ordure or other offensive matter from a privy or common receptacle for such matter in, or pertaining to, a house, building or enclosure is called house-scavenging.

Definition of house scavenging

115. (1) The Commission may at any time undertake the house-scavenging of any house, building or enclosure on the application or with the consent of the occupier.

Undertaking by Commission of house-scavenging generally.

(2) The Commission may, by public notice, undertake the house-scavenging of any houses, buildings or enclosures from any date not less than two months after issue of the notice

(3) The occupier of any house, building or enclosure affected by the notice may at any time after the issue thereof apply to the Commission to exclude that house, building or enclosure from the notice

(4) The Commission shall consider and pass orders upon every such application within six weeks of the receipt thereof, and may by any such order exclude such house, building or enclosure from the notice

(5) In deciding whether to exclude any house, building or enclosure from the notice, the Commission shall consider, among other matters, the efficiency of the arrangements for house-scavenging made by the occupier (if

any) and the purpose to which he applies the matter dealt with in house-scavenging.

116. Notwithstanding anything in the last foregoing section, the Commission shall not, except in accordance with the provisions of this Chapter, without the consent of the occupier, undertake the house-scavenging of any house, building or enclosure occupied by an agriculturist who himself cultivates land within the station.

117. When once the Commission has undertaken the house-scavenging of any house, building or enclosure under this chapter, it may continue to perform such house-scavenging with or without the consent of the occupier for the time being of such house, building or enclosure.

118. When the Commission has undertaken the house-scavenging of any house, building or enclosure, it shall be bound to perform the same properly until it shall have relieved itself of the obligation by an order under section 115, sub-section (4).

119. The officers and servants of the Commission employed in connection with house-scavenging may at all reasonable times do all things necessary for the proper performance of any house-scavenging undertaken by the Commission under this chapter.

120. All matter removed by the servants of the Commission in the course of house-scavenging shall vest in the Commission.

121. (1) If any agriculturist who himself cultivates land within the Station fails to provide for the proper house-scavenging of any house, building or enclosure occupied by him, the Commission may make a complaint in respect of such failure to any Magistrate of the first class.

(2) The Magistrate receiving the complaint shall hold an inquiry, and if it appears to him that the agriculturist has not provided for the proper house-scavenging of the house, building or enclosure, he may pass an order empowering the Commission to undertake the same, and thereupon the Commission shall be entitled to undertake such house-scavenging.

(3) Every order passed by a Magistrate under sub-section (2) shall be final.

Diseased animals.

122. (1) The Commission may, by any person authorized by it in this behalf, destroy or cause to be destroyed or confine or cause to be confined for such period as the Commission may direct, any dog suffering from rabies or reasonably suspected to be suffering from rabies

(2) No damages shall be payable in respect of any dog destroyed under this section.

123. Every person within whose premises any case of anthrax, glanders, rinderpest or any other such disease affecting horses or cattle occurs, shall give immediate notice of the fact to the Commission and use such sanitary or other precautionary measures as he may, by notice from the Commission, be directed to adopt, to prevent the disease spreading and, if necessary, shall remove any such animal.

Diseases dangerous to the public health.

124. (1) Whoever,—

- (a) being a medical practitioner or person openly and constantly practising the medical profession in the station and in the course of such practice becoming cognizant of the existence of any disease dangerous to the public health in any dwelling other than a public hospital, or, in default of such medical practitioner or person practising the medical profession,
- (b) being the owner or occupier of such dwelling, and being cognizant of the existence of such disease, or, in default of such owner or occupier,
- (c) being the person in charge of or in attendance on any person suffering from such disease in such dwelling, and being cognizant of the existence of the disease therein,

fails to give information, in such manner as the Commission shall by bye-law direct, or gives false information to the Commission, respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees.

Provided that a person not required to give information in the first instance but only in default of some other person, shall not be punishable if

it is shown that he had reasonable cause to suppose that the information had been or would be duly given.

(2) In this chapter, the expression "disease dangerous to the public health" means any disease declared¹ by the Commission, from time to time, by notification with the previous sanction of the Resident, to be such a disease

Removal to hospital of persons suffering from diseases dangerous to the public health 125 When any person suffering from any disease dangerous to the public health is—

- (a) without proper lodging or accommodation, or
- (b) living in a chattram or other public hostel, or
- (c) living in a room or house which he neither owns nor pays rent for, or

(d) living in premises occupied by members of two or more families, the Commission may, by any person authorized by it in this behalf, on the advice of any medical officer of rank not inferior to that of an Assistant Surgeon, remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

126. The Commission may by any person authorized by it in this behalf by notice, direct all or any part of any building in which there has recently been any person suffering from any disease dangerous to the public health to be forthwith internally or externally limewashed, or otherwise cleansed or disinfected

127. The Commission may, by any person authorized by it in this behalf, by notice, direct the destruction or disinfection of bedding, clothing or other articles likely to be contaminated by any disease dangerous to the public health:

Power to order destruction of infected articles

Provided that compensation shall be paid from the Municipal Fund for the articles so destroyed.

128. Every owner or driver of a public conveyance shall provide for the disinfection of the conveyance immediately after it has to his knowledge conveyed any person suffering from any disease dangerous to the public health, and, if he fails to do so, shall be liable to a penalty not exceeding fifty rupees:

Disinfection of public conveyances contaminated by carrying diseased persons,

Provided that no such owner or driver shall be required to convey any person suffering from any such disease without payment or tender of a sum sufficient to cover the loss and costs which he must under this section incur

¹ See notification No. 6041, dated the 1st February 1898, Vol. III, p 726.

for the purposes of disinfecting such conveyance, anything in this Law relating to public conveyances for the time being in force to the contrary notwithstanding.

129 Whoever lets a house or other building or part of a house or building in which any person has to his knowledge been suffering from a disease dangerous to the public health, without having such house, or other building or part thereof, and all articles therein liable to retain infection, disinfected to the satisfaction of a medical practitioner, as testified by such officer's certificate, shall be liable to a penalty not exceeding two hundred rupees.

Explanation—For the purposes of this section a hotel or lodging-house-keeper shall be deemed to let part of his house to any person admitted as a guest into his hotel or lodging-house

130. If the Commission considers that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any disease dangerous to the public health, it may, by public notice, prohibit the removal or use of such water or temporarily close the well.

Powers of entry.

131 (1) The Commission may, by any person authorized by it in this behalf, at any time between sunrise and sunset enter into any building or upon any land and inspect any drains or privies therein or thereon, and may cause the ground to be opened where such person as aforesaid may think fit, for the purpose of preventing or removing any nuisance arising from the drains to privies

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building, but if it is found that no nuisance exists, or but for such opening would have arisen, the ground or portion of any building, drain or other work (if any) opened, injured or removed for the purpose of such inspection shall be filled in, restored and made good by the Commission

(3) No building other than a latrine shall be entered under this section until six hours' notice in writing has been given to the occupier of the building by the Commission or by the person authorized by the Commission to make the entry.

132. The Commission may, by any person authorized by it in this behalf, at any time enter any building in which any disease dangerous to the public health is reputed or suspected to exist, for the purpose of preventing the spread of the same

Power of entry for purpose of preventing spread of disease.

133. The Commission may, by any person authorized by it in this behalf, after giving twenty-four hours' notice to the occupier or, if there is no occupier, to the owner of any building or land, at any time between sunrise and sunset—

Other powers of entry on buildings or land

- (a) enter on and survey and take levels of any lands ;
- (b) enter, inspect and measure any building for the purpose of valuation ,
- (c) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Law empowered to execute or maintain.

134 The Commission may, by any person authorized by it in this behalf, at any time between sunrise and sunset enter and inspect any stable, coach-house Or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Law for which a license has not been duly taken out.

Power to enter for discovery of vehicles or animals liable to taxation

13b. The Commission may, by any person authorized by it in this behalf, at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or for the slaughter of animals or for the sale of drugs and inspect and examine any food or drink, animal or drug which may be therein ; and if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption ; and, if it is reasonably suspected that any drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause the owner thereof to be brought before a Magistrate for enquiry as to whether any offence has been committed in respect thereof, and for orders as to its disposal.

Power to inspect places for sale of food or drink, etc., and to seize unwholesome articles exposed for sale

136 (1) The Commission may by any person authorized by it in this behalf, at any reasonable time enter upon and inspect any house or building which is suspected to contain petroleum, explosives or other inflammable material, in excess of the quantity permitted to be kept in such house or building under this Law or any rule, bye-law or public notice made or published thereunder.

(2) If any excess quantity as aforesaid of such material is discovered, it may be seized and held subject to such orders as a Magistrate may pass with respect to it.

(3) If the Magistrate decides that the material seized was stored in the house or building contrary to the provisions of this law or of any rule, bye-law or public notice made or published thereunder, he shall pass an order confiscating the same.

(4) Subject to any general rules for the time being applicable thereto, the material so confiscated may be sold by order of the Magistrate, and the proceeds, after defraying the expenses of such sale, shall be credited to the Municipal Fund.

(5) No order of confiscation under this section shall operate to bar any other criminal or civil proceedings to which the person storing the material in excessive quantity may be liable under any other law for the time being in force :

Provided that such person shall not be punished twice for the same offence.

Power to make bye-laws.

137. (1) The Commission may, by bye-law,—

- (a)¹ render licenses necessary for the proprietors or drivers of vehicles or animals kept or plying for hire or for profit within the station, and fix the fees payable for such licenses and the conditions on which they are to be granted and may be revoked ;
- (b)¹ limit the rates which may be demanded for the hire of any carriage, cart or other conveyance, or of any animal hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons when hired within the station for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours ;

¹ See notification No. 710, dated the 8th May 1907. Vol. III, p 726

- (c) provide for the proper registration of births, marriages and deaths, and for the taking of a census ;
- (d) fix, and from time to time vary, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family, and provide—
 - (i) for the registration and inspection of such building,
 - (ii) for promoting cleanliness and ventilation in such buildings,
 - (iii) for the notices to be given and the precautions to be taken in the case of any disease dangerous to the public health breaking out in such buildings, and
 - (iv) generally for the proper regulation of such buildings ;
- (e) provide—
 - (i) for the inspection and proper regulation of encamping-grounds, [cart stands],¹ pounds, chattrams, markets, dhobis' ghats, flour-mills and slaughter-houses,
 - (ii) for keeping in proper repair or preventing the disfigurement of any building or wall adjoining a street,
 - (iii) for preventing injury to any public property,
 - (iv) for the holding of fairs and industrial exhibitions within the station or under the control of the Commission, and for fixing fees to be levied thereat,
 - (v) for controlling and regulating the use and management, of burial and burning grounds, and
 - (vi) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be derived for public use, and of all pipes, reservoirs, stand-pipes or other works connected with a water-supply ;
 - [(vii) for the control and supervision of all premises used for any of the purposes mentioned in section 103 and of all trades and manufactures carried on therein.
 - (viii) for regulating the hours and manner of transport of skins, hides, horns, salt fish, and bones, or any other articles, which may be specified by the Commission with the approval of the Resident, from which offensive or unwholesome smells are likely to arise.] ¹

¹ Added by notification No. 912-I B, dated the 13th May 1910 *Gazette of India*, 1910, Pt 1, p 381

[(ix) for the numbering and registration of all or any motor vehicle, bicycle or tricycle liable to taxation under this Law.] ¹

- (f) where the collection of an octroi has been sanctioned, fix octroi limits for the purpose of collecting the same, the routes by which articles liable to octroi shall be brought within those limits, and the octroi posts at which they shall be liable to inspection, examination and weighment under section 63, sub-section (1), clause (a) ;
- (g) regulate the exhibition of tables of octroi, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the station ;
- (h) require and regulate—
 - (i) the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the station ;
 - (ii) the appointment by owners of buildings or lands in the station who are not resident in the station, of persons residing within or near the station to act as their agents for all or any of the purposes of this Law or of any rule, bye-law or notice made or issued thereunder ;
- (i) regulate the assessment and collection of any tax imposed under this Law and the fees payable in respect of notices of demand or of distraint ;
- (j) control and regulate the admission within the station, for the purpose of sale, of the flesh (other than cured or preserved meat) of any cattle, sheep, goat or swine slaughtered at any place not maintained or licensed under this Law ,
- (k) provide for and regulate the destruction or segregation of stray dogs and of horses and cattle suffering from anthrax, glanders, rinderpest or any other such disease ,
- (l) [prescribe the standard weights and measures to be used within the Municipality and make the use of such standards compulsory : and frame rules to prevent and detect the use of

¹ Added by notification No. 2093-I. B, dated the 23th October 1910 *Gazette of India* 1910, Pt. I, p 1088

false or defective instruments for weighing, weights and measures in any market, building, shop, stall or place used for the sale of any goods, drink or drug] .¹

(m) [regulate traffic in the streets . and]²

(n) generally provide for carrying out the objects and purposes of this Law.

(2) Bye-laws under clause (g) may, among other matters, provide a period of limitation after which no claim for refund of octroi shall be entertained, and also that no such refund shall be made when the amount thereof would be less than one rupee.

138. (1) In making any bye-law under this chapter, the Commission may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and when the breach is a continuing breach with a further fine which may extend to five rupees for every day after the first during which the breach continues

(2) In lieu of or in addition to such fine or fines as aforesaid, the Magistrate may require the offender to remedy the mischief in so far as lies within his power.

Supplemental.

139 (1) No bye-law under this chapter shall come into force until it has been confirmed by the Resident and published for such time and in such manner as the Resident may prescribe in this behalf

(2) The Resident may cancel his confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect

140. (1) When any notice under this chapter requires any act to be done for which no time is fixed by this Law, it shall fix a reasonable time for doing the same.

(2) Whenever it is provided by this Law that any notice may be given to the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be given to the one of them primarily liable to comply with such notice, and in case of doubt to both of them.

Provided that in any such case, where there is no owner resident within the station, delivery of such notice to the occupier shall be sufficient.

¹ Added by notification No 1711-I B, dated the 26th August 1910 *Gazette of India*, 1910, Pt. I, p 801.

² Added and the following clause re-numbered by notification No 842-I B, dated the 27th April 1911. *Gazette of India*, 1911, Pt. I, p 306.

(3) Whenever the terms of any notice duly given under this Law have not been complied with, the Commission may, after six hours' further notice, cause the act to be done by its officers.

141 (1) Where, under this law, the owner or occupier of property is required by the Commission to execute any work and default has been made in complying with the requirement, and the Commission has executed the work, the Commission may recover the cost of the work from the person in default

Recovery of costs of execution.

(2) As between themselves and the Commission, both owner and occupier shall be deemed to be in default for the purposes of this section, but that one of them shall be deemed to be primarily in default upon whom, as between landlord and tenant, the duty of doing the required act would properly fall either in pursuance of the contract of tenancy or by law.

(3) When the person primarily in default is the owner, and the Commission has recovered the whole or any part of the cost from the occupier, or the occupier has paid the same upon its demand, the occupier may deduct the sum so recovered or paid from the rent from time to time becoming due from him to the owner, or may otherwise recover it from such owner.

Provided that no occupier shall be required to pay under sub-section (3) any sum greater than the amount for the time being due from him to the owner, either in respect of rent due at the date of such demand as aforesaid or thereafter accruing, unless he has refused on application made to him by the Commission, truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the Commission from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier

(4) All money recoverable by the Commission under this section may be recovered in the manner provided in section 186

(5) Nothing in this section shall affect any contract between an owner and an occupier

142. (1) The Commission may make compensation out of the Municipal Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the Commission, its officers and servants, under this Law, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises touching the amount of any compensation which the Commission is required by this Law to pay for injury to any

Compensation out of Municipal Fund.

building or land, it shall be settled in such manner as the parties may agree or, in default of agreement, in the manner provided by the Land Acquisition Act, 1894,¹ as applied to the Station, with reference to the acquisition of and payment of compensation for land for public purposes, so far as it can be made applicable.

Appeals from orders of Commission. 143 (1) Any person aggrieved—

- (a) by the prohibition by the Commission under section 83 of the erection or re-erection of a building, or
- (b) by a notice from the Commission under section 83, sub-section (4), or section 84, sub-section (2), requiring the alteration or demolition of a building, or
- (c) by any order made by the Commission under the powers conferred upon it by sections 96, 104 or 107,

may appeal within thirty days from the date of such prohibition, notice or order to the officer holding the appointment of District Judge, and no such prohibition, notice or order shall be liable to be called in question otherwise than by such appeal:

Provided that, if the said officer is himself a Commissioner, the appeal shall lie to the First Assistant to the Resident or such other officer, not being a Commissioner, as may be empowered by the Resident in this behalf.

(2) The appellate authority may, if it thinks fit, extend the period allowed by sub-section (1) for appeal

(3) The Resident may call for a report of the proceedings in any case in which it appears to him that there has been an illegality or material irregularity in the issue of any such prohibition, notice or order as aforesaid and may pass such orders thereon as he thinks fit.

CHAPTER VI.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

144. Whoever, without the permission of the Commission or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains

¹ See notification No 732-D, dated the 19th March 1913, printed, *supra*, p. 390.

145 Whoever, without the permission of the Commission, causes or knowingly or negligently allows the water of any sink or sewer or any other offensive matter, to flow, drain or be put upon any street or public place, or into any public sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

146. Whoever, being the owner or occupier of any building or land, keeps or knowingly or negligently allows to be kept,—

- (a) for more than twenty-four hours, or
- (b) otherwise than in some proper receptacle, any dirt, dung, bones, ashes, nightsoil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

147. Whoever, without the permission of the Commission, makes or causes to be made, or alters or causes to be altered, any drain leading into any public sewer or drain shall be punishable with fine which may extend to fifty rupees

Making or altering drains without authority.

148 Whoever, without the permission of the Commission, makes or keeps for a longer time than one week after notice under section 100 any drain, latrine, urinal or receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and after service of notice, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Penalty for making or keeping latrines, etc., near any source of water-supply.

149. Whoever keeps any swine in disregard of any orders which the Commission may give to prevent them from becoming a nuisance, or keeps any other animal so as to be injurious to the health of the inhabitants or of animals generally, or so as to become a nuisance, shall be punishable with fine which may extend to twenty rupees and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Keeping animals so as to be injurious to health.

150. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food, on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

Feeding animals on deleterious substances

151. [Whoever drives any vehicle after dark in any street, unless the vehicle is supplied with a sufficient light shall be punishable with fine which may extend to twenty rupees]¹

Driving vehicles without lamps after dark.

152. Whoever discharges fire-arms or lets off fire-works or fire-balloons, or engages in any game in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Discharging fire-arms, etc

153. Whoever, being in charge of any elephant, camel or bear, omits, on being requested to do so, to remove as far as may be practicable his elephant, camel or bear to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.

Control of elephants or camels

154. Whoever, contrary to any orders of the Commission, takes an elephant along a street, shall be punishable with fine which may extend to twenty rupees.

Taking elephants along public roads

155. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate persons passing by, neglects to restrain it so that it shall not be at large without a muzzle in any street, shall be punishable with fine which may extend to twenty rupees

Suffering dogs to be at large

156. Whoever, without the permission of the Commission, alters, obstructs or encroaches upon any street, or any public sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street, or deposits building-materials or makes any hole or excavation on or in any street, or removes material from beneath any street so as to occasion risk of surface subsidence, shall be punishable with fine which may extend to fifty rupees

Altering, obstructing or encroaching upon streets.

¹ Substituted by notification No. 912-I B, dated the 13th May 1910 (*Gazette of India*, 1910, Pt. I, p 381)

157. Whoever quarries, blasts, cuts timber, carries on building operations in such a manner as to cause, or to be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood shall be punishable with fine which may extend to fifty rupees.

158. Whoever, contrary to the orders of the Commission, pickets animals or collects carts on any public ground, or uses any such grounds as a halting place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

159. [Whoever carries a corpse along a route prohibited by the Commission, or deposits a corpse in any place prohibited by the Commission, or in any place or manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.]¹

160. Whoever, without being authorized by the Commission, defaces or disturbs any direction-post or lamp-post, or extinguishes any light provided and maintained in any public place by the Commission, shall be punishable with fine which may extend to ten rupees.

161. Whoever disobeys any lawful direction given by the Commission by public notice under the powers conferred upon it by the last foregoing chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the Commission to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this law, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Law.

¹ Substituted by notification No. 912-I B, dated the 13th May 1910 *Gazette of India*, Pt 1, p. 38 L.

162. Whoever obstructs or molests the Commission or any person employed by it, or any person with whom it has entered into a contract under this Law, in the performance of their or his duty, or who obstructs any person from doing anything which he is empowered or required to do by virtue of this Law, or removes any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorized by this Law, shall be punishable with fine which may extend to two hundred rupees.

163. When any order of the kinds specified in section 104, section 107 and section 161 is subject to appeal, and an appeal has been instituted against it, all proceedings to enforce such order and all prosecutions for any breach thereof shall be suspended pending the decision of the appeal, and, if such order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

164. If the flesh of any cattle, sheep, goat or swine is brought within the Station in contravention of any bye-law under section 137, it may be seized by any officer of the Commission authorized in that behalf and may be destroyed or otherwise disposed of as the Commission may direct.

CHAPTER VII — PREVENTION AND EXTINCTION OF FIRE.

165. For the prevention and extinction of fire the Commission may establish and maintain a fire-brigade and may provide any implements, machinery or means of communicating intelligence which the Commission may think necessary for the efficient discharge of their duties by the brigade.

166. (1) On the occasion of a fire in the Station any Magistrate, the Field Officer of the week of the Bangalore Garrison, the District Superintendent of Police, the Secretary of the Commission, any Commissioner, any member of the fire-brigade maintained by the Commission then and there directing the operations of men belonging to the brigade and (if directed so to do by a Magistrate or by the District Superintendent of Police) any Police officer above the rank of constable, may—

- (a) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property,

- (b) close any street or passage in or near which any fire is burning ;
- (c) for the purpose of extinguishing the fire, break into or through or pull down, or cause to be broken into or through or pulled down, or used for the passage of hose or other appliances, any premises ;
- (d) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred ;
- (e) call on the persons in charge of any fire-engine to render such assistance as may be possible ; and,
- (f) generally, take such measures as may appear necessary for the preservation of life or property.

(2) No person shall be liable to pay damages for any act done by him under sub-section (1) in good faith.

(3) Any damage done in the exercise of a power conferred, or a duty imposed, by this section shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

167. The powers conferred by the last foregoing section shall be subject to any regulations, conditions or restrictions which may be imposed by rule.

Exercise of powers under section 166 to be subject to rules

CHAPTER VIII.—CONTROL

168 The Resident may at all times call for such reports and statistics connected with the working, income and expenditure of the Commission as he may think fit ; and the Commission shall forthwith comply with such requisition.

Power of Resident to call for statistics

169. The Resident may, by order in writing, suspend the execution of any resolution or order of the Commission or prohibit the doing of any act which is about to be done, or is being done in pursuance of or under cover of this law of, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons.

Power to suspend action of Commission

170. (1) In cases of emergency the Resident may provide for the execution of any work, or the doing of any act which the Commission is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the Commission.

Extraordinary powers of Resident in case of emergency

(2) If the expense is not so paid, the Resident may make an order directing the person having the custody of the balance of the Municipal Fund to pay the expense, or so much thereof as may from time to time be possible, from that balance in priority to all other charges against the same.

171. (1) In the event of the Station being at any time visited or threatened with an outbreak of any disease dangerous to the public health, or in the event of anthrax, glanders, rinderpest or any other such disease affecting horses or cattle breaking out in, or being likely to be introduced into, the Station, the Resident, if he thinks the ordinary provisions of this law or of any other law at the time in force are insufficient for the purpose, may—

(a) order the Commission to take such special measures and,

(b) by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons, as he may think necessary to prevent the outbreak of such disease or the spread thereof.

(2) The Resident shall forthwith report to the Governor-General in Council any orders and any regulations issued or prescribed by him under sub-section (1).

172. (1) When the Resident, after due inquiry, is satisfied that the Commission has made default in performing any duty imposed upon it under this Law, he may, by an order in writing, fix a period for the performance of that duty; and, if it is not performed within the period so fixed, he may appoint some person to perform it and may direct that the expense thereof shall be paid within such time as he may fix by the Commission.

(2) If the expense is not so paid, the Resident may make an order directing the person having the custody of the balance of the Municipal Fund to pay the expense, or so much thereof as may from time to time be possible from that balance in priority to all other charges against the same.

173. (1) The Resident shall be bound to require that the proceedings of the Commission shall be in conformity with law and with the rules in force under any enactment for the time being applicable to the Station generally or to the areas over which the Commission has authority

(2) The Resident may exercise all powers necessary for the performance of this duty, and may, among other things, by order in writing, annul or modify any proceeding which he considers not to be in conformity with law or with such rules as aforesaid.

174. (1) If the Commission is incompetent to perform, or persistently makes default in the performance of the duties imposed on it by or under this or any other enactment, or exceeds or abuses its powers, the Resident may, with the previous sanction of the Governor-General in Council, by a notification in which the reasons for so doing shall be stated, declare the Commission to be superseded :

Provided that, in case of public emergency, such a notification as aforesaid may be issued without the previous sanction of the Governor-General in Council, but shall be forthwith reported to the Governor-General in Council and shall be subject to his orders.

(2) When the Commission is superseded under sub-section (1), the following consequences shall ensue :—

- (a) all Commissioners shall, from the date of the notification, vacate their seats :
- (b) all powers and duties of the Commission may, until the Commission is reconstituted, be exercised and performed by such person or persons as the Resident may appoint in that behalf :
- (c) all property vested in the Commission shall, until the Commission is reconstituted, vest in Her Majesty.

(3) The Resident may, if he thinks fit, at any time constitute another Commission in the place of the Commission superseded under this section.

175 (1) The Resident may frame forms for any proceeding of the Commission for which the Resident considers that a form should be provided, and may make rules,¹ consistent with this Law,—

Power of Resident to frame forms and make rules.

- (a) with respect to the powers and duties of the Commission ;
- (b) as to the division of the station into wards, or of the inhabitants into classes, or both ;
- (c) as to the number of representatives proper for each ward or class ;
- (d) as to the qualifications of electors and of candidates for election ;
- (e) as to the registration of electors ;
- (f) as to the nomination of candidates, the time of election and the mode of recording votes ;
- (g) generally for regulating all elections under this Law ;
- (h) fixing the term of office of Commissioners ;
- (i) as to the constitution, powers and duties of the Health Committee,
- (j) prescribing the qualifications requisite in the case of persons appointed by the Commission to offices requiring professional skill ;

¹ See notification No 675, dated the 11th February 1904. Printed Vol. III, p. 713.
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- (k) as to the priority to be given to the several duties of the Commission ;
- (l) as to the procedure to be observed for the punishment or dismissal of servants of the Commission ;
- (m) as to the conditions on which land vested in the Commission may be transferred by sale, mortgage, lease, exchange or otherwise ;
- (n) as to the preparation of plans and estimates for works to be constructed at the expense of the Commission and as to the person by whom, and the conditions subject to which, such plans and estimates are to be sanctioned ;
- (o) as to the accounts to be kept by the Commission, the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Law, the manner in which such accounts are to be audited and published, and the power of the auditors in respect of disallowance and surcharge ;
- (p) as to the preparation of estimates of the income and expenditure of the Commission and the person by whom, and the conditions subject to which, such estimates are to be sanctioned ;
- (q) as to the returns, statements and reports to be submitted by the Commission ;
- (r) as to the publication of notices, and
- (s) generally for the guidance of the Commission and public officers in carrying out the objects and purposes of this Law and for all other matters necessary or incidental to the due administration of this Law.

(2) Rules under clause (g) of sub-section (1) may, among other matters, provide—

- (i) for the investigation of allegations of corrupt practices or intimidation at elections,
- (ii) for making void the election of any person proved to the satisfaction of the Resident to have been guilty of corruption or intimidation or to have connived at or abetted the exercise of corruption or intimidation on his behalf by any other person ;
- (iii) for rendering incapable of municipal office either permanently or for a term of years any person whose election may have been made void as aforesaid for corruption or for connivance at or abetment of the same ; and
- (iv) for the definition of the practices at municipal elections which are to be deemed to be corrupt or to amount to intimidation.

CHAPTER IX.—SUPPLEMENTAL.

Prosecutions.

176 No Court shall take cognizance of any offence punishable under this Law or any rule or bye-law thereunder except on the complaint of the Commission

Authority for prosecutions.

or of some person authorized by the Commission in this behalf

Explanation—The Commission may authorize persons to prosecute either generally in regard to all offences against this Law and the rules or bye-laws thereunder or particularly in regard only to specified offences or offences of a specified class. The person authorized may be authorized by office, if he is the President or a Vice-President, but in other cases the authority must be personal. The authority must in all cases be in writing and may at any time be cancelled by the Commission.

177. (1) The Resident may empower¹ the Commission, or the President, a Vice-President or the Secretary or any other

Power to compound offences.

officer of the Commission or any Committee appointed under section 23 or section 24

or the Charman thereof, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Law or any rule or bye-law thereunder, a sum of money by way of composition for such offence

(2) On payment of such sum of money, the suspected person, if in custody, shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded.

(3) Sums paid by way of composition under this section shall be credited to the Municipal Fund.

(4) Power under sub-section (1) may be given either generally in regard to all offences under this Law and the rules and bye-laws thereunder, or particularly in regard only to specified offences or offences of a specified class, and may at any time be withdrawn by the Resident.

(5) The Resident may make rules² to regulate the proceedings of persons empowered under sub-section (1).

178. The Magistrate or Judge by whom any fine is imposed under this Law or any rule or bye-law thereunder, may

How fines are to be applied.

award any portion, not being more than

one-half thereof, to the informer, and the remainder, or, if he makes no award to the informer, the whole, of such fine shall be paid to the Commission, to be by them applied to the purposes of this Law. ---

¹ See notification No 1755, } dated the 1st April 1901 Printed Vol III, p 729
² See notification No 1756, }

179. No Judge or Magistrate shall be deemed to be a party to, or personally interested in, any prosecution for an offence punishable under this Law or any rule or bye-law thereunder, or under any other law for the time being in force, within the meaning of section 555 of the Code of Criminal Procedure, 1882,¹ as applied to the Station, by reason only that he is a Commissioner by the order, or under the authority, of whom it has been instituted

Commissioner not to be deemed interested in prosecution.

Rules and bye-laws

180. (1) The authority empowered to make any rules or bye-laws under this Law, other than bye-laws under section 25 or section 32, shall, before making such rules or bye-laws, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules or bye-laws with a notice specifying a date on or after which the draft will be taken into consideration; and such authority, as also, in the case of bye-laws, the Resident whose confirmation is required, shall, before such rules or bye-laws are made, consider any objection or suggestion which may be received from any person with respect to the draft before the date so specified.

(2) If, on such consideration, any modification is made in the draft, the Resident shall determine whether or not the draft shall be republished under this section

(3) Every such rule or bye-law shall be notified in English and in such other language or languages as the Resident may direct, and such notification shall be conclusive proof that such rule or bye-law has been made as is required by this section.

181. (1) A copy of all rules and bye-laws made under this Law shall be kept at the Commission's office, and shall be open during office hours without charge to the inspection of any inhabitant.

Rules to be available for purchase and inspection.

(2) Copies of all such rules and bye-laws shall be kept at the Commission's office for sale to the public at a price not exceeding one rupee.

¹See now the Code of Criminal Procedure, 1898 (Act V of 1898), as applied by not first on No. 732-D., dated the 19th March 1913. Printed *supra*, p. 390.

Notices

182. (1) Every notice issued by the Commission under this Law or under any rule or bye-law thereunder shall be in writing signed by the President, Vice-President or Secretary or by the members of any Committee specially authorized by the Commission in that behalf, and may be served on the person to whom it is addressed or delivered or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, delivered or left, may be affixed to some conspicuous part of his place of abode or business.

(2) When the place of abode or business of the person to whom such notice is addressed is not within the station, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the owner of any property has no place of abode or business within the station, every such notice addressed to him as such owner may be served on the occupier

(4) When the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by affixing it to some conspicuous part of the property

(5) No notice issued by the Commission under this Law or under any rule or bye-law thereunder shall be invalid for defect of form.

183. When any notice is under this Law to be given to, or served on, the owner or occupier of any property and such owner or occupier is unknown, it may be given or served—

(a) by delivering a written notice to some person on the property, or should there be no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property ; or,

(b) by putting into the post a pre-paid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

184 Every public notice issued by the Commission under this Law or under any rule or bye-law thereunder shall be published by proclamation or in such other manner as the Resident may, by rule, direct.

Exemption of local areas.

185. When any local area has under section 6 been exempted from the operation of any of the provisions of this Law or of any rules or bye laws thereunder, the Governor-General in Council shall, after consulting the Commission, frame a scheme determining in what manner the liabilities arising, or the advantages derived, therefrom shall be apportioned between the Commission and the Secretary of State for India in Council.

Collection of sums due to the Commission.

186. [(1) When any sum is due to the Commission under this Law by any person, the Commission may recover such sum in the following manner, namely :—

Recovery of sums due to the Commission.

- (a) by causing a bill for the sum stating the nature of the demand, to be served on the person liable to pay the same, in the manner provided in section 182 ;
- (b) if the sum is not paid within seven days from the service of such bill, by causing a notice of demand to be served on such person,
- (c) if such person does not within seven days from the service of such notice pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, by distraining and selling the moveable property of such person in the manner provided in the Code of Civil Procedure for the time being in force in the station ;
- (d) by suing such persons in the Civil Court

(2) Taxes levied on buildings and lands shall, subject to the prior payment of any claim on behalf of Government, be a first charge upon the said buildings or lands and upon the moveable property, if any, found within or upon such building or land and belonging to the person liable for such tax ;

(3) In the event of the non-payment of any tax imposed under section 41, section 42 or section 43, within seven days from the date of the service of a notice of demand in terms of clause (b) of sub-section (1), the person failing to pay such tax, shall, on conviction before a Magistrate, be liable to a fine not exceeding twice the amount of the tax found to be due .

Provided that recovery by prosecution shall not be applicable to sums due on account of water consumed in excess of the sanctioned free allowance.

(4) If the sum due from the owner of any house, building or land in respect of any rate or tax remains unpaid, after notice of demand has

been duly served, the President may demand the amount from the occupier for the time being of such house, building or land, and on non-payment thereof, may recover the same by distress and sale of any moveable property found on the premises and in such case the occupier may deduct from the next and following payments of his rent the amount which may be so paid or recovered from him :

Provided that no arrear of rate, or tax which has remained due from the owner of any house, building or land for more than one year shall be so recovered from the occupier thereof.]¹

Miscellaneous

187. When any building used as a human dwelling is entered under this Law, due regard shall be paid to the social and religious sentiments of the occupiers ; and before any apartment in the actual occupancy of any woman who, according to custom, does not appear in public, is entered under this Law notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing

188 (1) In the absence of a written contract to the contrary, every sweeper or scavenger employed by the Commission shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

(2) Whoever, being a sweeper or scavenger employed by the Commission, in the absence of a written contract authorizing him so to do and without reasonable cause, resigns his employment or absents himself from his duties without giving one month's notice to the Commission, or neglects or refuses to perform his duties or any of them, he shall be liable to imprisonment which may extend to two months.

(3) The Resident may, by notification, direct that, on and from a date, to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to sweepers and scavengers shall apply also to any specified class of servants employed by the Commission whose functions intimately concern the public health or safety.

¹ Substituted by notification No. 921-I. B, dated the 13th May 1910 *Gazette of India*, 1910, Pt. II, p. 381.

189 On the complaint of five or more inhabitants of the Station that a
 Brothels. house in their immediate neighbourhood and
 within the limits of the Station is used as a
 brothel or by disorderly persons of any description, to the annoyance of the
 respectable inhabitants of the vicinity, any Magistrate of the first class
 having, as such, jurisdiction in the place where the house is situated may
 summon the owner or tenant of the house to answer the complaint, and, on
 being satisfied that the house is so used, and is a source of annoyance and
 offence to the neighbours, may order the owner or tenant to discontinue such
 use of it; and if he shall fail to comply with such order within five days, may
 impose upon him a fine not exceeding twenty-five rupees for every day
 thereafter on which the house is so used

190 (1) When any person, by reason of his receiving the rent of immo-
 veable property as agent or trustee, or of his
 Relief to agents and trustees being as agent or trustee the person
 who would receive the rent if the property were let to a tenant, would, under
 this Law, be bound to discharge any obligation imposed by this Law on the
 owner of the property and for the discharge of which money is required, he
 shall be bound to discharge the obligation only to the extent of such funds
 as he has, or but for his own improper act or default might have had, in his
 hands belonging to the owner

(2) The burden of proving the facts entitling an agent or trustee to relief
 under this section shall lie on him

(3) When any agent or trustee has claimed and established his right to
 relief under this section, the Commission may give him notice to apply to the
 discharge of such obligation as aforesaid; the first moneys which shall come
 to his hands on behalf or for the use of the owner, and, if he fails to comply
 with such notice, he shall be deemed to be personally liable to discharge
 such obligation.

191. If any question arises as to whether any person or specified class of
 persons is or are an inhabitant or inhabitants
 Decision of question as to whether persons are inhabitants within the meaning of this Law, of a local
 area in the station, the decision thereon of
 the Commission shall be conclusive.

192. It shall be the duty of every Police-officer to give information to the
 Commission of any offence committed against
 Police officers to report offences to Commission and assist generally this Law or the rules or bye-laws thereunder,
 and to assist all Commissioners and officers
 or servants of the Commission in the exercise of their lawful authority.

[193. The President may summon any person to attend before him and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation or inspection or to the grant of any license under the provisions of this Law

Any person failing to obey the summons shall be liable, on conviction before a Magistrate, to a fine not exceeding fifty rupees]¹

[*Gazette of India* 1897, Pt I, p 483.]

No. 1441-IA, dated the 26th March 1900 —In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879),² and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to prescribe the following rules for the destruction or other disposal of useless records, books and papers in the Courts and Revenue Offices of the Civil and Military Station of Bangalore —

Rules for the disposal
of useless records

- 1 With the previous sanction of the Governor-General in Council, the Resident in Mysore may, from time to time, make rules respecting the disposal, by destruction or otherwise, of such records, books and papers belonging to or being in the custody of the Courts of Civil³ and Criminal⁴ Jurisdiction and the Revenue Offices, as the Resident may consider useless or unworthy of being permanently preserved :

Provided that nothing herein contained shall be deemed to authorize the destruction of any document which, under the provisions of any law for the time being in force, is to be kept and maintained.

All such rules shall be published in the *Gazette of India*, and shall thereupon have the force of law

2. All rules for the destruction or other disposal of useless records, books and papers belonging to or in the custody of any Court or Revenue Office, now in force, shall continue to have the force of law until they are rescinded by rules made under the preceding rule ; and no suit or other proceeding shall be instituted, maintained or continued against any person for the disposal, by destruction or otherwise, of any records, books or papers in accordance with any such rules.

[*Gazette of India*, 1900, Pt. I, p. 207.]

¹Added by notification No. 912-I B., dated the 13th May 1910 *Gazette of India*, 1910, Pt. I, p 381

²See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III

³See notification No 6603, dated the 17th December 1900. Printed Vol III, p 730.

⁴See notification No 43, dated the 25th July 1907. Printed Vol. III, p 703.

Legal Practitioners
Rules.

No 2113-I A, dated the 14th May 1900.—In exercise of the powers conferred by ¹ sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf and in supersession of the notification of the Government of India in the Foreign Department, No. 37-I J, dated the 1st March 1880, and of the notification of the Resident in Mysore, No 323, dated the 23rd January 1897, the Governor-General in Council is pleased to make the following rules to regulate legal practitioners in the Court of the Resident in Mysore and in Courts subordinate to that Court in the Civil and Military Station of Bangalore :—

1. In these rules,—

“Resident” means the Resident in Mysore :

“Judge” means the presiding judicial officer in every Civil and Criminal Court, by whatever title he is designated :

“Subordinate Court” means all Courts subordinate to the Court of the Resident in Mysore, including Courts of Small Causes :

“Legal Practitioner” means an Advocate or Pleader enrolled in the Court of the Resident in Mysore under these rules .

“Tout” means a person who procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such practitioner, or proposes to a legal practitioner to procure his employment in any legal business in consideration of such remuneration.

2 Except as provided in the Code of Civil Procedure or the Code of Criminal Procedure, or in any other law for the time being in force, no person shall appear, plead or act for any other person in the Court of the Resident or in any subordinate Court, unless he is an Advocate or Pleader authorised so to do under these rules

3. Advocates and Pleaders (except Pleaders of the second grade) enrolled in accordance with the rules heretofore in force shall be deemed to be Advocates and Pleaders respectively enrolled under these rules.

4 Advocates shall be entitled to appear, plead and act in the Court of the Resident and in subordinate Courts.

5. Pleaders shall be entitled to appear, plead and act only in subordinate Courts.

6 Notwithstanding anything herein contained, Pleaders of the second grade, enrolled in accordance with the rules in force before the 23rd January 1897 may continue to practise in the Courts in which they are entitled to

¹ See now the Indian (Foreign Jurisdiction) in Council, 1902. Printed in Appendix III.

practise under those rules; but for the purposes of the following rules 16 to 35 they shall be deemed to be Pleaders enrolled under these rules.

7. The following persons are qualified for admission as Advocates —

- (1) Any person who has been enrolled as, and is, an Advocate of the Chief Court of Mysore under the Mysore Legal Practitioners' Regulation III of 1884
- (2) Any Barrister of any of the Inns of Court in England or Ireland, or any Member of the Faculty of Advocates in Scotland.
- (3) An Advocate, Vakıl or Attorney of any of the High Courts of Judicature in British India
- (4) Any person who has obtained the degree of Master of Laws or Bachelor of Laws in any British or Indian University, and who produces a certificate of respectability and good moral conduct.

8. The following persons are qualified for admission as Pleaders —

- (1) Any person who has been enrolled as, and is, a Pleader of the first grade in the Mysore State, under the Mysore Legal Practitioners' Regulation III of 1884
- (2) Any person who has passed the examination prescribed by the High Court of Madras for Pleaders of the first grade, and who produces a certificate of respectability and good moral conduct.

9 Every person duly qualified under rule 7 or 8 may apply to the Court of the Resident to be admitted as an Advocate or as a Pleader, as the case may be. The application shall be accompanied by certificates proving the qualifications of the applicant under these rules.

Provided that where the application is for admission as an Advocate, the applicant shall have given at least one month's previous notice in three successive issues of one of the local English newspapers, or in such other mode as may from time to time be prescribed by the Resident.

10. The Resident may, in his discretion, grant or refuse any application submitted under the last preceding rule: his order thereon shall be final, and he shall not be bound to specify his reasons for any refusal.

11. If an application to be admitted as an Advocate is granted, the applicant shall be required to supply a general stamped paper of the value of one hundred rupees, purchased from the Resident's treasury or from a vendor licensed by the Collector of the Civil and Military Station of Bangalore. The Resident shall then give the applicant a certificate of admission in the Form I set forth in the schedule annexed to these rules under his signature and the seal of his Court, and shall enter the applicant's name in his Court's register of Advocates.

12. If an application to be admitted as a Pleader is granted, the Resident shall give the applicant a certificate in the Form II set forth in the schedule annexed to these rules, under his signature and the seal of his Court, and shall enter the applicant's name in his Court's register of Pleaders.

13. Every original certificate granted to a Pleader under the preceding rule shall be valid till the thirty-first day of December following the date of its issue, but holder shall, on application and delivery of his certificate to the Resident for cancellation, receive a renewed certificate.

14. Every renewed certificate shall be valid till the thirty-first day of December following the date of its issue, but the holder shall, on application and delivery of his expired certificate to the Resident for cancellation, receive from year to year a renewed certificate.

15. Every certificate issued to a Pleader, whether original or renewed, shall be written upon general stamped paper of the value of fifteen rupees purchased from the Resident's treasury or from a vendor licensed by the Collector of the Civil and Military Station of Bangalore and to be provided by the applicant.

Provided that a certificate issued on or after the first day of July in any year may be written upon stamped paper of half that value.

16. The Resident may suspend from practice, or dismiss, or cancel the certificate of, any legal practitioner enrolled under the foregoing rules.—

- (1) who is convicted of any criminal offence implying a defect of character which unfits him to be a legal practitioner, or
- (2) who takes instructions in any case except from the party on whose behalf he is retained or some person who is the recognised agent of such party within the meaning of the Code of Civil Procedure, or some servant, relative or friend authorised by the party to give such instructions, or
- (3) who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or
- (4) who tenders, gives or consents to the retention of, out of any fee paid or payable to him for his services, any gratification for procuring, or having procured, the employment in any legal business of himself or any other legal practitioner, or
- (5) who, directly or indirectly, procures, or attempts to procure, the employment of himself as such legal practitioner through, or by the intervention of, any person to whom any remuneration for obtaining such employment has been given by him, or agreed or promised to be so given, or

(6) who accepts any employment in any legal business through a person who has been proclaimed as a tout under rule 35 of these rules, or

(7) for any other reasonable cause.

17. If any legal practitioner practising in any subordinate Court is charged in such Court with, or appears guilty of, any such misconduct as is mentioned in the last preceding rule, the Judge of the Court shall report the fact to the Resident's Court. When an alleged misconduct is so reported to the Resident or otherwise comes to his notice, whether the misconduct is with reference to proceedings before his own Court or a subordinate Court, the Resident may order the Public Prosecutor, or an Advocate specially authorised by the Resident in this behalf, to draw up a formal charge, setting forth concisely and exactly the alleged misconduct and may either himself inquire into such charge, or direct the Judge of a subordinate Court to do so. The Public Prosecutor or the Advocate so authorised shall prosecute the charge on behalf of Government. A copy of the charge shall be sent to the said legal practitioner, together with a notice that on a day to be therein appointed, such charge will be taken into consideration. Such copy and notice shall be served upon the legal practitioner at least ten days before the day so appointed. On such day, or any subsequent day to which the enquiry may be adjourned, the Court shall receive and record all evidence properly adduced in support of the charge or by the legal practitioner, and shall proceed to adjudicate upon the charge.

18. If the Judge is the Judge of a subordinate Court and finds the charge established, and considers that the legal practitioner should be suspended or dismissed, or that his certificate should be cancelled in consequence, he shall record his finding and the grounds thereof, and shall report the same to the Resident's Court, and that Court shall proceed to acquit, suspend, dismiss, or cancel the certificate of, the legal practitioner.

19. Such report, when made by the Judge of any Court subordinate to the District Court, or by any Magistrate subordinate to the District Magistrate, shall be submitted through the District Judge or through the District Magistrate, as the case may be, who shall append to the report any remarks that he may think necessary, and an expression of his own opinion of the case.

20. The District Judge or the District Magistrate may, pending the investigation and orders of the Resident's Court, suspend any Pleader charged before him or before any Court or Magistrate subordinate to him.

21. The Resident's Court, in any case in which a legal practitioner has been acquitted otherwise than by an order of its own, may call for the record and pass such order thereon as it may deem fit

22. The Resident's Court may also direct that any charge preferred against a legal practitioner in any subordinate Court shall be transferred for adjudication to itself, or to any other Court of equal or superior grade to that in which the charge is preferred.

23. The suspension of any legal practitioner shall be noted in the register of Advocates or Pleaders in the Resident's Court, and notice thereof shall be sent to all subordinate Courts.

24. The name of every legal practitioner who has been dismissed or whose certificate has been cancelled under the foregoing provisions shall be struck off the register of Advocates or Pleaders in the Resident's Court, and notice thereof shall be sent to all subordinate Courts

25. Every legal practitioner, whose certificate has been cancelled under these rules, shall forthwith deliver up his certificate to the Resident.

26. The Resident shall from time to time, fix and regulate the fees payable by any party in respect of the fees of his adversary's Advocate or Pleader upon all proceedings in the Court of the Resident and in the subordinate Courts. Tables of the fees so fixed shall be published in the *Gazette of India*¹

Provided that the rules at present in force in respect of such fees shall be deemed to have been made under this rule, until they are superseded by new rules.

27. No agreement entered into by any legal practitioner with any person retaining or employing him, respecting the amount and manner of payment for the whole or any part of any past or future services, fees, charges or disbursements in respect of business done, or to be done, by such legal practitioner, shall be valid, unless it is made in writing signed by such person, and is, within fifteen days from the day on which it is executed, filed in the District Court, or in some Court in which some portion of the business in respect of which it has been executed, has been, or is to be, done.

28. Where a suit is brought to enforce any such agreement, if the agreement is not proved to be fair and reasonable, the Court may reduce the amount payable thereunder, or order it to be cancelled, and the costs, fees, charges and disbursements in respect of the business done to be ascertained in the same manner as if no such agreement had been made.

¹ See notification No 12, dated the 6th February 1901. Printed Vol. III, p 737.

29 Such an agreement shall exclude any further claim of the legal practitioner beyond the terms of the agreement with respect to any services, fees, charges or disbursements in relation to the conduct and completion of the business in respect of which the agreement is made, except such services, fees, charges or disbursements, if any, as are expressly excepted by the agreement.

30. A provision in any such agreement that the legal practitioner shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject as such legal practitioner, shall be wholly void.

31. Any person who practises in any Court in contravention of the provisions of rule 2 shall be liable, by order of such Court, to a fine not exceeding ten times the amount of the stamp required by these rules for an Advocate's or Pleader's certificate, as the case may be, and in default of payment, to imprisonment in the civil jail for a term which may extend to six months. He shall also be incapable of maintaining any suit for or enforcing any lien with respect to, any fee or reward for, or with respect to, anything done or any disbursement made by him as an Advocate or Pleader whilst he has been contravening the provisions of rule 2.

32 Any legal practitioner who has been suspended or dismissed, or whose certificate has been cancelled, under these rules, and who, during such suspension, or after such dismissal or cancellation, practises as an Advocate or Pleader in any Court, shall be liable, by order of such Court, to a fine not exceeding five hundred rupees, and, in default of payment, to imprisonment in the civil jail for a term which may extend to six months.

33. Any legal practitioner who fails to deliver up his certificate as required by rule 25 shall be liable, by order of the Resident, to a fine not exceeding two hundred rupees, and, in default of payment, to simple imprisonment for a term not exceeding three months.

34. Every order under the foregoing rules 31 and 32 shall, when passed by a subordinate Court, be subject to revision by the Court of the Resident.

35. (1) The Resident, the Sessions Judge, the District Magistrate and the District Judge (each as regards his own Court and the Courts, if any, subordinate thereto) may frame and publish lists of persons proved to his satisfaction, by evidence of general repute or otherwise, habitually to act as touts, and may, from time to time, alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) A copy of every such list shall be kept hung up in every Court to which the same relates

(4) The Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

(5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout within the meaning of the preceding rule 16.

SCHEDULE.

FORM I.

IN THE COURT OF THE RESIDENT IN MYSORE.

Dated

To

In pursuance of the rules published in the notification of the Government of India in the Foreign Department, No. 2113-I. A., dated the 14th May 1900, you, _____, have been admitted as an Advocate of the Court of the Resident in Mysore, and you are hereby authorised to practise in that Court and in all the Courts subordinate thereto

Resident.

FORM II.

IN THE COURT OF THE RESIDENT IN MYSORE.

Dated

To

In pursuance of the rules published in the notification of the Government of India in the Foreign Department, No. 2113-I. A., dated the 14th May 1900, you, _____, are hereby authorised to practise as a Pleader in all Courts subordinate to the Court of the Resident in Mysore.

This certificate is subject to renewal as provided by the said rules.

Resident.

[*Gazette of India*, 1900, Pt. I, p. 301.]

No 3764-I.A., dated the 15th September 1905 —Whereas the provisions of the Administrator-General's Act, 1874 (II of 1874), apply as a personal law only to British subjects in the Civil and Military Station of Bangalore, and whereas it is deemed expedient that better provision should be made for the recognition in the said Station of the representative title of the Administrator-General of Madras, against all debtors of, and all persons holding property belonging to, deceased British subjects in the aforesaid Station. Rules for the recognition of the representative title of the Administrator-General of Madras.

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to make the following rules, and to direct that they shall have effect in the Civil and Military Station of Bangalore :—

1. So far as regards the Administrator-General of the Presidency of Madras, as defined in the Administrator-General's Act, 1874 (II of 1874), the High Court of Judicature at Madras shall be deemed to be a Court of competent jurisdiction within the meaning of sections 187 and 190 of the Indian Succession Act, 1865 (X of 1865), as applied to the Civil and Military Station of Bangalore by Foreign Department notification¹ No. 2252-I, dated the 7th August 1883.

2. The Administrator-General of Madras shall be deemed by all the Courts in the Civil and Military Station of Bangalore to have a right to the Letters of Administration in preference to that of any person merely on the ground of his being a creditor, a legatee other than an universal legatee, or a friend of the deceased

3 Probate or Letters of Administration granted by the High Court of Judicature at Madras to the Administrator-General of the said Presidency shall have effect over all the property and estate, moveable or immoveable, of a deceased British subject in the Civil and Military Station of Bangalore, and shall be conclusive as to the representative title against all debtors of the deceased, and all persons holding property therein which belongs to him, and shall afford full indemnity to all debtors paying their debts and all persons delivering up such property to the said Administrator-General.

4. All suits and other proceedings commenced by or against the Administrator-General of Madras in his representative character in respect of property belonging to a deceased British subject in the Civil and Military Station of Bangalore, may be brought by or against him by his name of office in the Courts of the said Station, and no suit or other proceeding heretofore or hereafter commenced by or against any person as the Administrator-General

¹ Superseded by notification No. 732-D., dated the 19th March 1913. Printed *supra*, p.390.

of Madras, either alone or jointly with any other person, shall abate by reason of the death, resignation or removal from office of the said Administrator-General, but the same may by order of the said Courts, and upon such terms as to the service of notices or otherwise as the Courts may direct, be continued by or against his successor immediately upon his appointment, in the same manner as if no such death, resignation or removal had occurred :

Provided that nothing hereinbefore contained shall render any such successor personally liable for any costs incurred prior to the order for continuing the suit against him.

5 If any suit be brought in the Courts of the Civil and Military Station of Bangalore by a creditor against the Administrator-General of Madras in his representative character, the plaintiff shall be liable to pay the costs of the suit down to and including the decree, unless upon proof by affidavit or otherwise that not less than one month previous to the institution of the suit he had applied in writing to the said Administrator-General stating the amount and other particulars of the claim, and supporting the same by such evidence as, under the circumstances of the case, the Administrator-General was reasonably entitled to require, and that the Administrator-General had refused or neglected to register the claim according to the practice of his office.

If in any such suit judgment is pronounced in favour of the plaintiff, he shall, nevertheless, be only entitled to payment out of the assets of the deceased equally and rateably with the other creditors

[*Gazette of India*, 1905, Pt. I, p 671.]

Bangalore Foreigners
Law, 1906.

No 4541-I.A., dated the 2nd November 1906 —In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-

Preamble

General in Council is pleased to make the following Law for the purpose of regulating the residence of foreigners within the limits of the Civil and Military Station of Bangalore

1. (1) This law may be called the "Bangalore Foreigners Law, 1906"

Short title and extent.

(2) It extends to the Civil and Military Station of Bangalore as defined for the time being by notification under the Bangalore Municipal Law, 1897.

2. The word "foreigner" means any person, not being a European British subject within the meaning of the

Definition.

Code of Criminal Procedure, 1898, as applied to the Civil and Military Station of Bangalore, or a subject of any Native Prince or State in India, or a Native of British India.

33. If a question arises whether any person alleged to be a foreigner and to be subject to the provisions of this Law is a foreigner or not, or is or is not subject to the provisions of this Law, the onus of proving that such person is not a foreigner or is not subject to the provisions of this Law, shall lie upon such person.

4. The Resident in Mysore may, by writing, order any foreigner to remove himself from the Civil and Military Station of Bangalore, or to remove himself therefrom by a particular route to be specified in the Order.

5. If any foreigner ordered to remove himself from the Civil and Military Station of Bangalore or ordered to remove himself therefrom by a particular route, neglects or refuses so to do; or

if any foreigner, having removed himself from the said Civil and Military Station in consequence of an order issued under section 4 of this Law, or having been removed from the said Station under such an order, wilfully returns thereto without an authority in writing granted by the Resident in Mysore,

such foreigner may be apprehended and detained in safe custody until he is discharged therefrom by order of the Resident in Mysore upon such terms and conditions as the said Resident deems sufficient for the peace and security of the said Civil and Military Station, and of British India and of the territories of Princes and States in India.

[*Gazette of India*, 1906, Pt. I, p. 776.]

Bangalore Sanitary
Improvements Loans
Law, 1906.

No. 5064-I.A., dated the 21st December 1906.—Whereas for improving the sanitary condition of the Civil and Military Station of Bangalore it is proposed to demolish certain buildings in certain congested areas in the Station and to erect new buildings in place thereof in certain new areas in the limits of the Station.

And whereas it is expedient to provide for the grant of loans of money by the Government to persons evicted from such demolished buildings to whom building sites in such new areas have been given for the purpose of enabling them to erect buildings thereon, and further to provide for similar grants to any persons desirous of obtaining the same for the purpose of enabling them to purchase building sites in such new areas and to erect buildings thereon: In exercise of the powers conferred by the Indian (Foreign

Jurisdiction) Order in Council, 1902, the Governor-General in Council is hereby pleased to make the following law —

1. (1) This law may be called the Bangalore Sanitary Improvement Loans Law, 1906.

(2) It extends to the Civil and Military Station of Bangalore as defined for the time being by notification under the Bangalore Municipal Law, 1897.

2. In this Law "Collector" means the Collector of land revenue of the Civil and Military Station of Bangalore, or any officer empowered by the Resident in Mysore by name or by virtue of his office to discharge the functions of a Collector under this Law.

3. Subject to such rules as may be made under section 6, loans may be granted under this Law by such officer as may from time to time be empowered in this behalf by the Resident in Mysore, for the purpose of enabling persons to whom building sites may have been given in the new areas referred to in the preamble to erect buildings thereon or to enable persons desirous of purchasing building sites in such areas and erecting buildings thereon to purchase the same and to erect such buildings.

4. (1) Every loan granted under this Law shall be made repayable by instalments (in the form of an annuity or otherwise) within such period from the date of the actual advance of the loan or when the loan is advanced in instalments from the date of the actual advance of the last instalment as may, from time to time, be fixed by the rules made under this Law.

(2) The period fixed as aforesaid shall not exceed ten years.

5. (1) Subject to such rules as may be made under section 6 all loans granted under this Law, all interest (if any) chargeable thereon and costs (if any) incurred in making the same, shall, when they become due, be recoverable by the Collector in all or any of the following modes, namely :—

- (a) From the borrower—as if they were arrears of land revenue due by him ;
- (b) From his surety (if any) —as if they were arrears of land revenue due by him ;
- (c) Out of the land for the purchase of which or for the erection of buildings on which the loan has been granted—as if they were arrears of land revenue due in respect of such land ;
- (d) Out of the building for the erection of which the loan has been granted—as if the said building were properly assessed to land revenue and the amount due to Government were an arrear of land revenue due thereon ;

- (e) Out of the property comprised in the collateral security (if any) — according to the procedure for the realization of land revenue by the sale of immoveable property other than the land on which that revenue is due

(2) When any sum due on account of any such loan, interest or costs is paid to the Collector by a surety or an owner of property comprised in any collateral security, or is recovered under sub-section (1) by the Collector from a surety or out of any such property, the Collector shall, on the application of the surety or the owner of that property (as the case may be), recover that sum on his behalf from the borrower, or out of the land for the purchase of which or of the building for the erection of which the loan has been granted or out of both in manner provided by sub-section (1).

(3) It shall be in the discretion of a Collector acting under this section to determine the order in which he will resort to the various modes of recovery permitted thereby.

6. The Resident in Mysore, with the previous sanction of the Governor-General in Council, may, from time to time, by notification in the Local Official Gazette, make rules¹ consistent with this Law to provide for the following matters, namely :—

- (a) The manner of making applications for loans ;
- (b) The officers by whom loans may be granted ;
- (c) The manner of conducting enquiries relative to applications for loans and the powers to be exercised by officers conducting those enquiries ;
- (d) The nature of the security to be taken for the due application and repayment of the money, the rate of interest at which, and the conditions under which, loans may be granted, and the manner and time of granting loans ;
- (e) The inspection of lands or buildings in respect of which loans have been granted ;
- (f) The instalments by which, and the mode in which loans, the interest to be charged on them and the costs incurred in the making thereof, shall be paid ;
- (g) The manner of keeping and auditing the accounts of the expenditure of loans and of the payments made in respect of the same ; and
- (h) All other matters pertaining to the working of the law.

[*Gazette of India*, 1906, Pt. I, p. 925.]

¹ See notification Nq. 122, dated the 26th December 1906. Vol. III, p. 741.

Addition of the site of the Indian Institute of Science to the Civil and Military Station and declaration of the laws in force.

No. 595-I A., dated the 7th February 1908.—Whereas His Highness the Maharaja of Mysore has ceded to the British Government the exclusive management of, and full jurisdiction over, the lands specified in the annexed schedule which are required for the purpose of locating the Indian Institute of Science.¹

In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to issue the following orders :—

I.—From the date of this notification the lands specified in the annexed schedule shall be deemed to be and to form a part of the Civil and Military Station of Bangalore

II.—All laws for the time being in force in the Civil and Military Station of Bangalore shall be deemed to be in force in the aforesaid lands.

Schedule referred to above

The lands comprised within the boundaries defined below and forming part of the catchment area of Sankey's Reservoir, Bangalore.

The boundary line on the east commences from the point where the nulla to the north of the Sankey's Reservoir Pontoon shed joins the tank bed, and thereafter runs northward along the Sankey's Reservoir bed, crosses the road leading from the Butts to the Tumkur road, and joins the feeder channel of the Reservoir just above this road. This channel thereafter becomes the boundary along the remaining portion of the east, and along the north and west, till it meets the old Tumkur road running behind the Maharaja's Mills. The boundary to the south is the continuation of the road along Sankey's Reservoir to the junction of the present Tumkur road and from thence along the proposed road to meet the old Tumkur road.

[*Gazette of India*, 1908, Pt I, p. 103]

¹*Cf.* notification No. 433, dated the 27th May 1909. *Gazette of India*, 1909, Pt. I, p. 405.

CHAPTER VII.

NEPAL.

By the terms of the treaty * of 1855 with Nepal the Resident exercises jurisdiction over "any person attached to the British Residency or living within the Residency boundaries" for offences wherever committed in the State except in the case of subjects of Nepal, who, if apprehended beyond the Residency boundaries, "are not to be given up by the Nepalese Government for punishment" By the same treaty extradition between British India and Nepal is restricted to subjects of the Government making the requisition.

Subject to the above qualifications, and to the fact that there are restrictions on the entry of Europeans into the State, the following British enactments apply :—

I.—Statutes.—*See* Appendix I.

II.—Acts of the Governor-General in Council.—*See* Appendix II.

III.—Orders under Statutes.

No. 853-I.B., dated the 16th April 1913.—Printed in Appendix IV. 88 Vict., c. 15.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix III. 53 and 54 Vict., c. 37.

IV.—Orders under Acts of the Governor-General in Council.

Administrator-General's Act, 1874.

No. 855-I.B., dated the 16th April 1913.—Printed in Appendix VI.

Inclusion of Nepal in the Presidency of Bengal for the purposes of the Act.

No. 3542-I., dated the 27th August 1891.—Printed in Appendix VI.

Exercise of powers and duties of a District Judge under the Act.
Indian Arms Act, 1878.

No. 3102, dated the 16th August 1909.—Printed in Appendix XVII.
(The Indian Arms Rules, 1909.)

Exemption of certain persons from certain prohibitions and directions contained in the Act
Rules regarding the export of arms and ammunition from, and their import into, British India.
Indian Income-tax Act, 1886

No. 4135-I., dated the 16th September 1887.—Printed in Appendix VII.

Resident in Nepal invested with powers of Collector for the purpose of granting certificates.

* Treaties, Vol. II, Ed. 1909, p. 118.

Births, Deaths and
Marriages
Registration Act,
1886.

Appointment of—
(a) Resident in
Nepal to be
Registrar of
Births and Deaths;
(b) Registrar-General
for Bengal to be
Registrar-General.
Fees and Rules.

Indian Extradition
Act, 1903
Rules under the Act.

No. 1428-E., dated the 24th July 1889.—Printed in Appendix VIII.

No. 1173, dated the 19th July 1888 —Printed in Appendix VIII.

No. 1862-I.A., dated the 13th May 1904.—Printed in Appendix IX.

V.—Orders relating to Courts.

Execution of capital
sentences in British
India.

Criminal law and
procedure of British
India applicable to
British subjects in
Nepal.

Jurisdiction of the
High Court at
Calcutta over
European British
subjects in Nepal.

No. 1431-I, dated the 27th April 1893.—Printed in Appendix XIII.

No. 1862-I.A., dated the 13th May 1904.—Printed in Appendix IV.

No. 853-I.B., dated the 16th April 1913.—Printed in Appendix IV.

Justice of the Peace
to commit for trial
to the High Court
having jurisdiction.,

No. 2616-I., dated the 6th August 1890.—Printed in Appendix IV.

Justice of the Peace
invested with powers
of Magistrates of the
first class and to hold
inquests

No. 680-I B, dated the 19th March 1912.—Printed in Appendix IV.

Appointment of
Resident in Nepal as
Justice of the
Peace

No. 3337-E C., dated the 1st September 1905.—Printed in Appendix
IV

Criminal jurisdiction
of Resident in
Nepal.

No. 3336-E. C., dated the 1st September 1905.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to empower the officer for the time being holding the office of British Resident in Nepal to exercise, within the limits of the Nepal State (in all cases in which such powers may lawfully be exercised by the Governor-General in Council within that State), all the powers of a Magistrate of the first class, as described in the Code of Criminal Procedure, 1898 (Act V of 1898).

[*Gazette of India*, 1905, Pt. I, p. 639.]

CHAPTER VIII.

NORTH-WEST FRONTIER PROVINCE.

The territory outside British India in the North-West Frontier Province¹ consists of tribal territory in the charge of the following Political Agencies :—

Agency	Sub-Agency.
Dir, Swat and Chitral.	Malakand. Chitral.
Khyber.	
Kurram.	
Waziristan.	Tochi (Northern Waziristan). Wana (Southern Waziristan).

Dera Ismail Khan Frontier Tract,
comprising the country of the Mianis, Larga
Shiranis, and Usteranas
administered by the Deputy Com-
missioner, Dera Ismail Khan.

While British authority has been established throughout these countries, the degree of exercise of British jurisdiction varies in the different tracts according as local conditions permit of the policy not to interfere with or undermine the influence, responsibility and authority of the tribal *jirgas* or to disturb the practice under which the elders of the community concerned are ordinarily required to deal with tribesmen who commit offences for which it is necessary that reparation should be exacted or punishment meted out.

The only length of line in tribal territory is included in the North-Western Division of Railways enumerated in Volume V.

The following British enactments are in force :—

I.—Statutes.—*See* Appendix I.

II.—Acts of the Governor-General in Council.—*See* Appendix II.

III.—Orders under Statutes.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix 53 and 54 Vict., C. 37.
III.

IV.—Orders under Acts of the Governor-General in Council.

¹For the Proclamation constituting the North-West Frontier Province, *see* notification No. 5780, dated the 25th October 1901. *Gazette of India*, 1901, Pt. I, p. 857.

Sea Customs Act,
1878.

Prohibition against
bringing Buddhist
Sculptures, etc., into
British India from
Dir, Swat
and Chitral and
intervening tribal
areas without written
sanction of Chief
Political Officer.

Indian Arms Act,
1878.

Exemption of certain
persons from certain
prohibitions and
directions contained
in the Act.

Rules regarding the
export of arms and
ammunition from,
and their import into,
British India.

Empowering British
Courts beyond
the limits of
British India to send
warrants for the
execution of capital
sentences to officers
in charge of prisons
in British India.

Criminal law and
procedure of British
India applicable to
British subjects in
territories of India
outside British India.

Justices of the Peace
invested with powers
of Magistrates of the
first class and to
hold inquests.

Appointment of
Political Officers
in Dir, Swat and
Chitral, Khyber and
Waziristan to be
Justices of the
Peace, with
directions to commit
for trial to the Chief
Court of the
Punjab

Constitution of
Criminal Courts in
Dir, Swat and
Chitral.

No 438-F, dated the 22nd February 1901.—Printed *supra* page 361.

No. 3102, dated the 16th August 1909.—Printed in Appendix XVII.

(The Indian Arms Rules, 1909.)

VI.—Orders relating to Courts

No 1431-I, dated the 27th April 1893.—Printed in Appendix XIII.

No 1863-I A, dated the 13th May 1904.—Printed in Appendix IV.

No 680-I. B, dated the 19th March 1912 —Printed in Appendix IV.

Letters of the Government of India, Nos 1690-F. and 1692-F., dated the 23rd June 1902, and No. 1424-F., dated the 25th May 1903.—Printed in Appendix IV

The Governor-General in Council is pleased hereby to authorise the Political Agent for Dir, Swat and Chitral for the time being, and the Assistant Political Agents for the time being, to exercise within the Dir, Swat and Chitral Agency all the powers of a District Magistrate as described in the Code of Criminal Procedure, 1898 (Act V of 1898), and of a Deputy Commissioner as described in the Frontier Crimes Regulation, 1901 (III of 1901),

and of a Sessions Judge as described in the Frontier Murderous Outrages Regulation, 1901 (IV of 1901).

[In any case in which a Political Agent in exercise of the powers under the Code of Criminal Procedure applied as aforesaid passes a sentence of death, or of transportation, or of imprisonment for a term exceeding one year, an appeal shall lie to the Judicial Commissioner of the North-West Frontier Province, and, except in cases coming under Regulation IV of 1901, no sentence of death passed by a Political Agent should be carried out until it is confirmed by the Judicial Commissioner.]¹

In the case of the Assistant Political Agents the authority is subject to the following provisos :—

- (a) that in no case shall an Assistant Political Agent enter upon the exercise of the above powers without the express sanction in writing of the Political Agent ;
- (b) that all sentences of imprisonment passed by an Assistant Political Agent for a term exceeding one year shall require the confirmation of the Political Agent ;
- (c) that in any case in which an Assistant Political Agent passes a sentence of imprisonment for a term exceeding six months an appeal shall lie to the Political Agent ;
- (d) that in cases under Regulation IV of 1901 no sentence of death passed by an Assistant Political Agent shall be carried out unless and until it is confirmed by the Political Agent ; and
- (e) that in cases under other Acts, no sentence of death passed by an Assistant Political Agent shall be carried out unless and until it is confirmed by the Agent to the Governor-General, North-West Frontier Province.

In any case in which neither of the parties is a British subject, the Political Agent and Assistant Political Agent may in their discretion refuse to exercise the powers now conferred upon them.

[*Letter of the Government of India, No. 1690-F, dated the 23rd June 1902*]

The Governor-General in Council is pleased hereby to authorise the Political Agent in the Khyber for the time being to exercise within the Khyber Agency all the powers of a District Magistrate and of a Court of Session as described in the Code of Criminal Procedure, 1898 (Act V of 1898), and of a Deputy Commissioner as described in the Frontier Crimes Regula-

Constitution of
Criminal Courts in
the Khyber Agency.

¹ Substituted by the letter of the Government of India, No. 1053 F., dated the 4th December 1909.

tion, 1901 (III of 1901), and of a Sessions Judge as described in the Frontier Murderous Outrages Regulation, 1901 (IV of 1901).

[In any case in which a Political Agent, in exercise of powers under the Code of Criminal Procedure, applied as aforesaid, passes a sentence of death, or of transportation, or of imprisonment for a term exceeding one year, an appeal shall lie to the Judicial Commissioner of the North-West Frontier Province and, except in cases coming under Regulation IV of 1901, no sentence of death passed by a Political Agent shall be carried out until it is confirmed by the Judicial Commissioner.]¹

In any case in which neither of the parties is a British subject, the Political Agent may in his discretion refuse to exercise the powers now conferred upon him.

[*Letter of the Government of India, No. 1424-F, dated the 25th May 1903.*]

Constitution of
Criminal Courts in
Waziristan.

(c) The Political Agents for the time being in the Tochi Valley and Wana² shall exercise within the said tracts, respectively, all the powers of a District Magistrate and a Court of Session, as described in the Code of Criminal Procedure, 1898, and of a Deputy Commissioner under the Frontier Crimes Regulation, 1901, as applied by these orders³ and of a Deputy Commissioner or Sessions Judge under the Frontier Murderous Outrages Regulation, 1901, as so applied. [The Court of Session may take cognizance of any offence as a Court of original jurisdiction without the accused being committed to it by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates.]⁴

(d) [In any case in which a Political Agent in exercise of powers under the Code of Criminal Procedure, applied as aforesaid, passes a sentence of death, or of transportation, or of imprisonment for a term exceeding one year, an appeal shall lie to the Judicial Commissioner of the North-West Frontier Province; and, except in cases coming under Regulation IV of 1901, no sentence of death passed by a Political Agent shall be carried out until it is confirmed by the Judicial Commissioner.]⁴ The Judicial Commissioner may also exercise a general power of revision of all proceedings of the Political Agents under the applied Criminal Procedure Code. In the Frontier Crimes Regulation, 1901, all references to the Commissioner of a Division shall be read as referring to the Agent to the Governor-General, North-West

¹ Substituted by the letter of the Government of India, No. 1053-F., dated the 4th December 1909

² The appointment of Political Agent in Wana has, since 1911, been amalgamated with that of Commandant, Southern Waziristan Militia.

³ See extract from this letter at p 541 *infra*.

⁴ Substituted by the letter of the Government of India, No. 2681-F., dated the 23rd September 1907

Frontier Province, or such officer as the said Agent may appoint in this behalf.

(e) In the exercise of the powers hereby conferred on them in any case in which neither of the parties is a British subject, the Political Agents mentioned above may in their discretion refuse to exercise the powers now conferred on them.

[*Letter of the Government of India, No. 1692-F., dated the 23rd June 1902.*]

(i) The tract bounded on the north by the Gomal river, on the west by the Baluchistan Agency, on the south by the country of the Kasianis, on the east by the Dera Ismail Khan District.

(ii) The Kurram Valley.

No. 1691-F., dated the 23rd June 1902.— Constitution of Criminal Courts in Kurram and the Dera Ismail Khan Frontier Tract.
Whereas the Governor-General in Council has power and jurisdiction within the tracts noted in the margin :

In exercise of such power and jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879),¹ and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to make the following orders namely :—

PART I.

* * * * *

PART II.

For the purposes of the exercise of criminal jurisdiction as regards the aforesaid tracts .—

1. (a) The Deputy Commissioner for the time being of the Dera Ismail Khan District as regards the first of the said tracts, shall exercise the powers of a District Magistrate and of a Court of Session, as described in the Code of Criminal Procedure, 1898, and of a Deputy Commissioner under the Frontier Crimes Regulation, 1901, as applied by this notification, and of a Deputy Commissioner or Sessions Judge under the Frontier Murderous Outrages Regulation, 1901, as so applied.
- (b) Every Magistrate having for the time being any jurisdiction within the Dera Ismail Khan District shall exercise the like jurisdiction as regards the said tract.
2. The Political Agent for the time being in Kurram shall, as regards the Kurram Valley, exercise the powers of a District Magistrate and of a

¹ See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

² Printed *infra*, p. 542.

Court of Session, as described in the Code of Criminal Procedure, 1898, and of a Deputy Commissioner under the Frontier Crimes Regulation, 1901, as applied by this notification, and of a Deputy Commissioner or Sessions Judge under the Frontier Murderous Outrages Regulation, 1901, as so applied.

3. In respect of all cases tried under the Code of Criminal Procedure, 1898, as applied by this notification, the functions of the High Court as a Court of Appeal, Reference and Revision shall be discharged by the Judicial Commissioner, North-West Frontier Province.

4 This Part of this notification applies to all proceedings, except proceedings against European British subjects or persons jointly charged with European British subjects.

PART III. NOTIFICATIONS CANCELLED. Not reprinted.

[*Gazette of India*, 1902, Pt. I, p. 467.]

VII.—Local Laws.¹

In the exercise of the powers hereby² conferred upon them, the Political Agent and the Assistant Political Agents will be guided by the spirit and the principles of the Code of Criminal Procedure, 1898 (Act V of 1898), and of the Indian Penal Code, 1860 (Act XLV of 1860) : and in cases which in British India would come under the Frontier Crimes Regulations, 1901 (III of 1901), or under the Frontier Murderous Outrages Regulation, 1901 (IV of 1901), the Political Agent and Assistant Political Agents may act as if these enactments were in force in the Agency.

[*Letter of the Government of India, No. 1690-F, dated the 23rd June 1902.*]

In the exercise of the powers hereby² conferred upon him, the Political Agent will be guided by the spirit and the principles of the Code of Criminal Procedure, 1898 (Act V of 1898), and of the Indian Penal Code, 1860 (Act XLV of 1860) : and in cases which in British India would come under the Frontier Crimes Regulation, 1901 (III of 1901), or under the Frontier Murderous Outrages Regulation, 1901 (IV of 1901), the Political Agent may act as if these enactments were in force in the Agency.

[*Letter of the Government of India, No. 1424-F, dated the 25th May 1903.*]

- (a) The provisions, so far as they can be made applicable in the circumstances for the time being, and as amended for the time being by subsequent enactments, of the enactments specified below are hereby applied to the trans-border tracts known as Northern and Southern Waziristan, subject, in the case of the Code of Criminal Procedure, 1898, and the Frontier Crimes Regulation, 1901, to the modifications contained in section (d) below :—

Act XLV of 1860.—Indian Penal Code.

Act V of 1898.—Criminal Procedure Code.

Regulation IV of 1901.—Murderous Outrages Regulation.

Regulation III of 1901.—Frontier Crimes Regulation.

- (b) For the purpose of facilitating the application of the said enactments to the said tracts, any Magistrate or Court for that tract may construe any provision in any such enactment with

¹ For other Local Laws made under the Indian (Foreign Jurisdiction) Order in Council, 1902, see the Orders relating to Courts *supra*, p. 536.

² See the extract from this letter printed *supra*, p. 537. In the grant of powers certain modifications are made in the Code of Criminal Procedure and the Frontier Crimes Regulation.

such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Magistrate or Court.

(c) (d) * * * * *

[*Letter of the Government of India, No. 1692-F., dated the 23rd June 1902.*]

Kurram and the
Dera Ismail Khan
Frontier Tract.

No. 1691-F., dated the 23rd June 1902.—Whereas the Governor-General

(c) The tract bounded on the north by the Gomal river, on the west by the Baluchistan Agency, on the south by the country of the Kasranis, on the east by the Dera Ismail Khan District
(d) The Kurram Valley.

in Council has power and jurisdiction within the tracts noted in the margin :

In exercise of such power and jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879),² and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to make the following orders, namely :—

PART I.

1. [(1) The provisions, so far as they can be made applicable in the circumstances for the time being, of the enactments specified in the First Schedule to this Part, are hereby applied to the aforesaid tracts subject to any amendments to which the enactments are for the time being subject in British India, and, subject, in the case of the Code of Criminal Procedure, 1898, and the Frontier Crimes Regulation, 1901, to the modifications specified in the Second Schedule to this Part.]³

(2) For the purpose of facilitating the application of the said enactments to the said tracts, any Magistrate or Court for those tracts may construe any provision in any such enactment with such alterations, not affecting the substance, as may be necessary or proper to adapt it to the matter before the Magistrate or Court.

FIRST SCHEDULE.

Enactments applied.

<i>Number and year.</i>		<i>Subject.</i>
Act XLV of 1860	...	Indian Penal Code.
Act V of 1898	...	Criminal Procedure.
Regulation III of 1901	...	Frontier Crimes.
Regulation IV of 1901	...	Frontier Murderous Outrages.

¹ Printed, p 538 *supra*.

² See now the Indian (Foreign Jurisdiction) Order in Council, 1902. Printed in Appendix III.

³ Substituted by notification No. 1737-I. B., dated the 2nd September 1910, *Gazette of India*, 1910, Pt. I, p. 828.

SECOND SCHEDULE.

Modifications in the Code of Criminal Procedure, 1898, and the Frontier Crimes Regulation, 1901.

1. In the Code of Criminal Procedure, 1898—

(a) The Court of Session may take cognizance of any offence as a Court of original jurisdiction without the accused person being committed to it by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates.

[(b) In any case in which the Deputy Commissioner, Dera Ismail Khan, or the Political Agent, Kurram, in exercise of power under the Code of Criminal Procedure, applied as aforesaid, passes a sentence of death, or of transportation or of imprisonment for a term exceeding one year, an appeal shall lie to the Judicial Commissioner of the North-West Frontier Province; and, except in cases coming under Regulation IV of 1901—no sentence of death passed by the Deputy Commissioner, Dera Ismail Khan, or the Political Agent, Kurram, shall be carried out until it is confirmed by the Judicial Commissioner.]¹

(c) Trials before the Court of Session may, in the discretion of the Sessions Judge, be without jury or the aid of assessors.

2. In the Frontier Crimes Regulation, 1901—

(a) All references to the Commissioner or the Court of the Commissioner shall be read as referring to the Agent to the Governor-General, North-West Frontier Province, or such officer as the said Agent to the Governor-General may appoint in this behalf.

(b) For sub-section (1) of section 8, the following shall be substituted, namely :—

“When the Deputy Commissioner or the Political Agent thinks it expedient that any dispute should be settled in the manner provided by this section, he may make an order in writing stating the grounds of his opinion and referring the dispute to a Council of Elders.”¹

PART II.²

[*Gazette of India*, 1902, Part I, p. 467.]

¹ Substituted by notification No. 2682-F, dated the 23rd September 1907. *Gazette of India*, 1907, Pt. I, p. 871.

² Printed *supra*, p. 539.

Application of the
Epidemic Diseases
Act, 1897.

Publication of news-
papers and other
printed matters.

No. 443-I. A, dated the 4th February 1897.—Printed in Appendix XVI.

No. 2651-I., dated the 25th June 1891.—Printed in Appendix XV.

CHAPTER IX.

RAJPUTANA.

The Rajputana Agency comprises five subordinate Political Agencies entrusted with the immediate political charge of the States and Chiefships named below —

Agency.	States and Chiefships
Mewar Residency ¹	. Udaipur (Mewar) Banswara (including Kushalgarh). Dungarpur. Partabgarh Shahpura.
Jaipur Residency	. Jaipur ² Kishengarh Lawa. Tonk. ³
Western Rajputana States Residency.	Jodhpur (Marwar). Bikaner. Jaisalmer. Sirohi.
Eastern Rajputana States Agency.	Alwar. Bharatpur. Dholpur. Karauli.
Haraoti Agency	. Jhalawar. Kotah.

In 1912 the Bundi State was withdrawn from the Haraoti Agency to the political control of the Agent to the Governor-General exercised through an Assistant stationed at Deoli.

¹ The Gangapur pargana of Gwalior and the Nandwar pargana of Indore are also in the Mewar Residency.

² The Jaipur Durbar exercise jurisdiction, *e g.*, in heinous offences and important civil suits in the pargana of Kot-Puthi which the Raja of Khetri, a feudatory of Jaipur, holds as a fief of the British Government. But the latter reserve the power as suzerain to intervene should this arrangement cease to be satisfactory.

³ The outlying parganas of Chhabra, Pirawa and Sironj were withdrawn from the political charge of the Resident at Gwalior and the Political Agents in Malwa and Bhopal, respectively, in 1910.

The only jurisdiction exercised by political officers in the States of Rajputana is in respect of British subjects, Europeans and Americans, and Government servants, except as follows :—

- (a) The Chief of Shahpura is required to report to the Resident all cases of heinous crime, involving the punishment of death or imprisonment for life, and to dispose of them in accordance with his advice.¹
- (b) In the Chiefship of Lawa the Resident tries all heinous offences, and appeals lie to him from the decisions of the Chief in all except petty civil suits.²
- (c) The Chief of Nimrana, a feudatory of the Alwar State, exercises "civil and criminal jurisdiction within his estate, subject only to such conditions as the British Government be pleased to lay down from time to time for the guidance of Chiefs of a like position and status."³
- (d) In the Salt Sources of Sambhar, Didwana, Luni, and Pachbhadra situated in the States of Jaipur and Jodhpur, the British Government has acquired jurisdiction in all matters connected with the manufacture, sale and removal of salt, and the prevention of unlicensed manufacture and smuggling.⁴
- (e) The Courts of Vakils established in the different Agencies for the disposal of cases of an inter-jurisdictional character are guided by the local Political Officers, to whom all decisions are submitted for confirmation. Appeals lie to the Agent to the Governor-General, whose confirmation is also required for all sentences of death or of imprisonment for a term exceeding seven years.

¹ See Treaties, Vol III, Ed. 1909, p 256

² " " " " p. 101

³ " " " " p. 336.

⁴ " " " " pp. 112—116 and 179—195.

A similar jurisdiction was acquired at Phalou in 1879 by agreement with the Jodhpur Durbar. but manufacture was discontinued there in 1892 and the source was finally closed in 1897. The Luni source has been closed since 1887. A small preventive force of the Northern India Salt Department is stationed there, and persons illicitly collecting salt are prosecuted in the Courts of the Jodhpur State

The following Administered Areas in Rajputana are subject to British jurisdiction, namely :—

The Parganas of—

Todgarh. ¹	} forming part of the Merwara Sub-division of Ajmer-Merwara.
Diwair. ¹	.	.	.	.
Saroth. ¹	.	.	.	.
Chang. ²	.	.	.	.
Kot-Karana ²	.	.	.	.

Abu, Anadra and Kharari	{ Head-quarters of the Rajputana Agency.
---------------------------	---	---	---	---	--

Deoli	} Cantonments occupied respectively by the Deoli Regiment, the Erin-pura Regiment, and the Mewar Bhil Corps. ³
Erinpura .	.	.	.	.
Kherwara .	.	.	.	.
Kotra .	.	.	.	.

The railway lands in Rajputana which are subject to British jurisdiction are included in the North Central and North-Western Divisions of Railways enumerated in Volume V.

¹ Belonging to Mewar } See Treaties, Vol III, Ed. 1909, pp 405—409
² Belonging to Marwar.

³ Cf Notifications No 564-I B, dated the 12th February 1897, and No. 192, dated the 20th March 1908. *Gazette of India*, 1897, Pt. I, p. 120, and 1908, Pt. I, p. 229.

NATIVE STATES IN RAJPUTANA.

The following British enactments are in force in the Native States in Rajputana :—

I.—Statutes.—*See* Appendix I.

II.—Acts of the Governor-General in Council.—*See* Appendix II.

III.—Orders under Statutes.

28 Vict., c. 15. *No. 853-I. B., dated the 16th April 1913.*—Printed in Appendix IV.

53 and 54 Vict.,
c. 37. The Indian (Foreign Jurisdiction) Order in Council, 1902.—
See Appendix III.

IV.—Orders under Acts of the Governor-General in Council.

Indian Christian
Marriage Act, 1872.

Political Officers
appointed Marriage
Registrars and
licensed to grant
certificates of marri-
age between Native
Christians.

No. 1704-G., dated the 6th August 1873.
No. 4260-I., dated the 26th October 1888. } Printed in Appendix V.

Certificates of marri-
age to be sent to the
Commissioner, Ajmer-
Merwara.

No. 4262-I., dated the 26th October 1888.—Printed in Appendix V.

Delegation to the
Agent to the Gover-
nor-General of
powers under sec-
tions 6, 8 and 9.

No. 3745-I.B., dated the 1st October 1897.—Printed in Appendix V.

Fees and rules.

No. 1586-E, dated the 29th August 1892.—Printed in Appendix V.

Administrator-
General's Act,
1874

States of Rajputana
included in Presi-
dencies of Bengal and
Bombay for purposes
of the Act

No. 855-I. B., dated the 16th April 1913.—Printed in Appendix VI.

Exercise of the
powers and duties of
a District Judge
under the Act.

No. 3542-I., dated the 27th August 1891 — Printed in Appendix VI.

No. 3102, dated the 16th August 1909.—Printed in Appendix XVII.

(The Indian Arms Rules, 1909.)

Indian Arms Act,
1878.

Exemption of certain persons from certain prohibitions and directions contained in the Act.

Rules regarding export of arms and ammunition from and their import into British India

Indian Income-tax Act, 1886.

No. 4135-I., dated the 16th September 1887.—Printed in Appendix VII.

Political Officers invested with certain powers of a Collector under the Act.

Births, Deaths and Marriages Registration Act, 1886.

No. 2018-I.B., dated the 25th September 1912.—Printed in Appendix VIII.

Appointment of—
(a) Officers to be Registrars of Births and Deaths.

(b) Registrar General for Ajmer-Merwara to be Registrar General for Rajputana.

Rules.

No. 1173, dated the 19th July 1888 —Printed in Appendix VIII.

Indian Foreign Marriage Act, 1903.
Fees.

No. 341, dated the 11th August 1904.—Printed *supra* page 5.

Indian Extradition Act, 1903.

No. 3361-I.A., dated the 23rd December 1898 —Printed in Appendix IX.

Political Agents authorised to grant extradition for an act against the law of a State which would constitute an offence under the Criminal Tribes Act, 1871, in British India.

No. 1862-I A., dated the 13th May 1904.—Printed in Appendix IX.

Rules under the Act, except in areas in Native States under British jurisdiction.

No. 717, dated the 20th August 1904.—Printed in Appendix X.

Indian Universities Act, 1904.

Inclusion of Rajputana in the territorial limits of the Allahabad University.

See Orders relating to Courts infra.

Code of Civil Procedure, 1908.

Indian Army Act,
1911
Provisions applied
to the Mewar Bhil
Corps

No. 2708-I A., dated the 28th December 1911—In exercise of the power conferred by section 5 (1) of the Indian Army Act, 1911 (VIII of 1911), the Governor-General in Council is pleased to apply to the Mewar Bhil Corps with effect from the 1st January 1912, the provisions of the said Act, with the exception of section 6, section 12 (2) so far as it relates to general service and of sections 18, 23, 24, clause (3) of 53, 57, 58, 59, 60, 61, 62, 63, 77, 78, 79, 80, 81, 87, 98 and 121. * * *

[*Gazette of India*, 1911, Pt. I, p. 1193]

Powers to be
exercised by the
Governor-General in
Council, the Agent to
the Governor General
and the Resident,
Mewar.

No. 2709-I.A., dated the 28th December 1911—In exercise of the power conferred by section 5 (2) of the Indian Army Act, 1911 (VIII of 1911), the Governor-General in Council is pleased to direct that in maintaining discipline over the Mewar Bhil Corps, as reconstituted under the ² notification of the Government of India in the Army Department, No 192, dated the 20th March 1908, the jurisdiction, powers and duties of a district court-martial and of officer commanding the district or brigade shall be exercised or performed by the Resident in Mewar, of a general court-martial or the General Officer of the Army or Division by the Agent to the Governor-General in Rajputana, and of the Commander-in-Chief in India by the Governor-General in Council * * * *

[*Gazette of India*, 1911, Pt. I, p. 1193]

¹ Cancelled notification.

² *Gazette of India*, 1908, Pt. I, p. 229.

³ Cancelled notification.

V.—Orders relating to Courts¹

- No. 1431-I., dated the 27th April 1893* —Printed in Appendix XIII. British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India.
- No. 1863-I. A., dated the 13th May 1904* —Printed in Appendix IV. Criminal law and procedure of British India applicable to British subjects in Native States.
- No. 853-I B., dated the 16th April 1913* —Printed in Appendix IV. Jurisdiction of the High Court at Bombay over European British subjects in Rajputana States.
- No. 2616-I., dated the 6th August 1890.*—Printed in Appendix IV. Justices of the Peace to commit for trial to the High Court having jurisdiction.
- No. 680-I.B., dated the 19th March 1912.*—Printed in Appendix IV. Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests.
- No. 2761-I., dated the 18th September 1883* }
No. 1335-I., dated the 27th March 1889. } Printed in Appendix IV. Appointments of Justices of the Peace.
- No. 2602-I.B., dated the 19th December 1912* —Whereas the Governor-General in Council has in certain cases criminal jurisdiction in the States in Rajputana. Criminal jurisdiction of Political Officers in their political charges, excluding the Sambhar, Didwana and Pachbhadra Salt Sources, the Administered Areas and Railway lands under British jurisdiction.
- In exercise of this jurisdiction and of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notifications of the Government of India in the Foreign Department, No. 345-I J, dated the 19th December 1879, and No. 1915-I, dated the 28th May 1884, as

¹ For facility of reference the Orders relating to Courts and the Salt Sources are printed separately, *infra*, p. 553.

subsequently amended, the Governor-General in Council is pleased to issue the following orders with respect to such cases —

1. Every Resident and Political Agent accredited to a State in Rajputana shall exercise, in respect of such cases occurring within the limits of the said State, the powers of a District Magistrate and those of a Court of Session as described in the Code of Criminal Procedure, 1898.
2. In the exercise of the jurisdiction of a Court of Session conferred on him by these orders, a Resident or Political Agent at his discretion —
 - (a) may take cognizance of any offence as a Court of original criminal jurisdiction without the accused being committed to him by a Magistrate and, if so, shall follow the procedure laid down by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates, and
 - (b) in other cases may direct that the trial shall be without jury or aid of assessors.
3. The Assistant to the Resident in the Western States of Rajputana and the Assistant to the Political Agent in the Eastern States of Rajputana shall exercise, in respect of such cases occurring within the limits of the said States, respectively, the powers of a Magistrate of the First Class as described in the Code of Criminal Procedure, 1898, in subordination to the said Resident and the said Political Agent, respectively, as District Magistrate.
4. The Agent to the Governor-General in Rajputana shall exercise the powers of a High Court as described in the Code of Criminal Procedure, 1898, in respect of all offences over which a Resident, a Political Agent or an Assistant to a Resident or Political Agent, exercises the jurisdiction conferred by these orders, and for the purposes of all other criminal proceedings in connection with such cases. Provided that a person convicted on a trial held by a Resident or by a Political Agent in the exercise of the powers of a District Magistrate may appeal to the Agent to the Governor-General within thirty days from the date of the conviction.
5. These orders apply to all proceedings except proceedings against European British subjects or persons jointly charged with European British subjects: but nothing therein shall be deemed to extend to—
 - (a) the Salt Sources of Sambhar, Didwana and Pachbhadra,
 - (b) Abu, Anadra and the bazar at Kharari, including the road leading from Abu to Abu Road Railway Station and to Kharari,

- (c) any railway lands in Rajputana over which jurisdiction is exercised by the Governor-General in Council,
 (d) the Cantonment of Deoli, or
 (e) the Parganas of Todgarh, Diwair, Saroth, Chang, and Kot-Karana
 [*Gazette of India*, 1912, Pt I, p. 1687.]

No. 1626-I. B., dated the 16th June 1899—Printed, *supra* page 104.

Payment of expenses of complainants and witnesses in the Criminal Courts of the Rajputana Agency

No. 786-I. B.,
No. 787-I. B., } *dated the 9th April 1913.*—Printed in Appendix XIIA.
No. 788-I. B.,

List of Courts established or continued by the Governor-General in Council in States in the political control of the Government of India and of Local Governments

No. 1344-I. B., dated the 30th June 1911.—Printed in Appendix XIIB.

Service by Courts in British India of summonses of Civil and Revenue Courts of States in Rajputana.

No. 1345-I. B., dated the 30th June 1911.—Printed in Appendix XIIC.

Service by Civil Courts of States in Rajputana of summonses of Courts in British India.

Orders relating to Courts in the Salt Sources.

No. 1431-I., dated the 27th April 1893.—Printed in Appendix XIII.

British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India.

No. 1863-I.A., dated the 13th May 1904—Printed in Appendix IV.

Criminal law and procedure of British India applicable to British subjects in Native States.

No. 853-I.B., dated the 10th June 1913.—Printed in Appendix IV.

Jurisdiction of the High Court at Bombay over European British subjects.

Justices of the Peace to commit to the High Court having jurisdiction

No. 2616-I, dated the 6th August 1890 —Printed in Appendix IV.

Justices of the Peace invested with power of Magistrates of the first class and to hold inquests.

No. 680-I B, dated the 19th March 1912.—Printed in Appendix IV.

Appointments of Justices of the Peace.

No. 2113-P, dated the 25th September 1874.

No. 2761-I, dated the 18th September 1883.

No. 1335-I, dated the 27th March 1889.

} Printed in Appendix IV.

Sambhar Lake Court.

No. 2112-P, dated the 25th September 1874 —Whereas by notifications No. 505-P, dated 18th March 1870, and No. 2091-P, dated 30th November 1870, and in accordance with Treaties made between the British Government and His Highness the Maharaja of Jaipur and His Highness the Maharaja of Jodhpur, respectively, a Court known as the Sambhar Lake Court was established, and the local limits of its jurisdiction were defined; and whereas the powers of the presiding Judge were described by reference to the late Code of Criminal Procedure, Act No. XXV of 1861; and whereas the said Act has been repealed and re-enacted with amendments by Act No. X of 1872; and whereas it is desirable to consolidate the aforesaid notifications, and to describe the powers of the Judge of the said Court with reference to the said Act X of 1872, as amended by Act XI of 1874: In supersession of the aforesaid notifications, the following revised notification is published for general information.

Whereas, by a ¹Treaty dated the 7th day of August 1869; and made between the British Government and His Highness the Maharaja of Jaipur, and by a Treaty dated the 22nd day of November 1869, and made between the British Government and His Highness the Maharaja of Jodhpur, to enable the British Government to carry on the manufacture and sale of salt at the Sambhar Lake, it was (amongst other things) agreed that the Governments of Jaipur and Jodhpur should empower the British Government, and all officers appointed by the British Government in this behalf, to enter and

* The strip of territory bordering the shores of the Sambhar Lake, including the town of Sambhar and twelve other hamlets, and comprising the whole of the territory now subject to the joint jurisdiction of the States of Jaipur and Jodhpur, and which has been demarcated under the said Treaties, as well as such portions of the Lake itself or of its dry bed as are now under the said joint jurisdiction

search, in case of suspicion, houses and all other places, enclosed or otherwise, within the limits noted on the margin,* and to arrest and punish with fine, imprisonment, confiscation of goods or otherwise all persons detected within such limits in the violation of any of the rules which may be laid down by the

¹ Treaties, Vol. III, Ed. 1909, p. 112.

British Government in regard to the manufacture, sale or removal of salt or the prevention of unlicensed manufacture or smuggling; and that, under the authority of the said Governments of Jaipur and Jodhpur, the British Government should constitute a Court presided over by a competent officer, who should usually hold his sittings within the abovementioned limits for the trial, and punishment on conviction, of all persons charged with violations of the said rules and regulations, or with offences connected therewith; and the British Government was also authorized to cause the confinement of any such offenders sentenced to imprisonment either within the aforesaid limits or within its own territories as might seem to it most fitting.

And whereas, by ¹ Treaty dated 18th April 1870, and made between the

* A strip of territory bordering the shores of the Lake throughout within the separate jurisdiction of Jodhpur, including Nawa, Godha and other villages and hamlets and averaging two miles in width measured from the high-water limits of the Lake, and which has been demarcated under the said Treaty, as well as such portions of the Lake itself or of its dry bed as are now under the exclusive and separate jurisdiction of Jodhpur.

British Government and His Highness the Maharaja of Jodhpur, to enable the British Government to carry on the manufacture and sale of salt at the Sambhar Lake, the local limits of the jurisdiction of the said Court were extended so as to include the territories noted in the margin; * and the existing provisions as to the powers

and procedure of the said Court were applied thereto in the exercise of its jurisdiction so extended.

In pursuance of the provisions hereinbefore cited, and under the authority aforesaid, the Viceroy and Governor-General of India in Council hereby declares—

First.—The said Court, called the Sambhar Lake Court, shall, notwithstanding the supersession of the said notifications, continue to be established, and all proceedings commenced therein prior to the date of this notification shall be carried on in the said Court as if they had commenced therein after such date. And all rules and orders in force in the said Court immediately before such date shall continue in force (except so far as the same are altered hereby) until the same are altered by competent authority

Second—The local limits of the jurisdiction of such Court shall be the limits aforesaid marginally noted

Third.—The Assistant Commissioner, for the time being in charge of the British Inland Customs Department at the Sambhar Lake, shall be the Judge of such Court. He shall have the powers of a Magistrate of the first class under the Code of Criminal Procedure [Act X of 1872],² and also the further

¹ Treaties, Vol III, Ed. 1909, p. 184.

² See now Act V of 1898. Printed General Acts, Vol. V, Ed. 1909, p. 14.

powers described in sections 26, 27 and 28 of the said Code, and he shall have, according to such powers, jurisdiction (a) in respect of all offences committed by subjects of Her Majesty within the aforesaid limits, and punishable under the ¹ Indian Penal Code or under any local or special law in accordance with sections 7 and 8 and the fourth schedule of the Code of Criminal Procedure, ² and (b) in respect of breaches of the rules described in Article III of the said Treaties or offences connected therewith, when committed by any person whatsoever within the aforesaid limits

Fourth—In the investigation and trial of such offences and breaches of rules, and in the levy of fines therefor, he shall be guided by the provisions of the Code of Criminal Procedure [Act X of 1872, as amended by Act XI of 1874].

Fifth.—In all cases in which salt shall be manufactured, carried or stored within the said limits in contravention of the rules for the time being in force for the regulation of such manufacture, carriage, or storage, the said Court is empowered, in addition to any other penalty which it is authorized to inflict, to declare the said salt confiscated, and dispose of it according to the rules for the time being in force in the Department of Inland Customs.

Sixth—For the purpose of trying offences described in paragraph 3 (a) preceding, when committed by subjects of Her Majesty within the limits of the jurisdiction of the Sambhar Lake Court, the aforesaid limits shall be deemed to be a division of the Ajmere district.

Seventh.—Any person convicted on a trial held by the Sambhar Lake Court of a breach of the rules described in Article III of the said Treaties, or offences connected therewith, and any person aggrieved by proceedings held under such rules, may petition the Agent to the Governor-General for the States of Rajputana, who, if he see fit, may send for the record of the case, and may confirm, reverse or modify the sentence, or pass any other orders not inconsistent with the rules aforesaid.

[*Gazette of India*, 1874, Pt. I, p. 491.]

Didwana Court.

No. 339-I. J., dated the 19th December 1879.—Whereas by a ³ Treaty, dated the 18th day of January 1879, and made between the British Government and His Highness the Maharaja of Jodhpur for the security of the salt revenue of British India in the event of the abolition of the Inland Customs Line, it was (amongst other things) agreed that His Highness the Maharaja should extend the provisions of Articles III, V, VI, and XVI of the

¹ Printed General Acts, Vol. I, Ed. 1909, p. 224.

² See now Act V of 1898 Printed General Acts, Vol. V, Ed. 1909, p. 14.

³ Treaties, Vol. III, Ed. 1909, p. 189.

Sambhar Lake Treaty ¹ of 1870 to (amongst other salt sources) the Didwana Salt Source, so far as they may be applicable; and whereas, by Articles III and VI of the said Sambhar Lake Treaty of 1870 above referred to, it was agreed between the British Government and His Highness the Maharaja of Jodhpur that the Jodhpur Government should empower the British Government, and all officers appointed by the British Government for such purposes, to enter and search, in case of suspicion, houses and all other places, enclosed or otherwise, within the limits hereinafter defined, and to arrest and punish with fine, imprisonment, confiscation of goods or otherwise, any and all persons detected within such limits in the violation of any of the rules or regulations which might be laid down by the British Government in regard to the manufacture, sale or removal of salt or the prevention of unlicensed manufacture or smuggling, and that under the authority of the said Jodhpur Government, the British Government should constitute a Court, presided over by a competent officer, for the trial and punishment, on conviction, of all persons charged with violations of the said rules and regulations or offences connected therewith; and that the British Government should be authorized to cause the confinement of any such offenders sentenced to imprisonment within the aforesaid limits or elsewhere as might seem to it most fitting:

In pursuance of the provisions hereinbefore recited, and under the authority aforesaid, the Governor-General of India in Council hereby declares—

First.—A Court, to be called the Didwana Salt Source Court, is hereby established.

Second.—The local limits of the jurisdiction of such Court shall be the limits of the Didwana Salt Source, as they may be demarcated under Article V of the said Treaty of the 18th day of January 1879.

Third.—The Assistant Commissioner, for the time being in charge ² of the British Inland Customs at the Didwana Salt Source, shall be the Judge of such Court. He shall have the powers of a Magistrate of the second class under the ³ Code of Criminal Procedure, with power to commit persons to the Court of Session for offences triable by such Court, and he shall have according to such powers, jurisdiction—

(a) in respect of all offences committed within the said local limits by subjects of Her Majesty and punishable under the 'Indian

¹ Treaties, Vol. III, Ed 1909, p. 184

² Now the Assistant Commissioner, Sambhar, as Didwana has been amalgamated with the Sambhar Division.

³ See now Act V of 1898 Printed General Acts, Vol. V, Ed 1909, p. 14.

⁴ Printed General Acts, Vol. I, Ed. 1909, p. 224.

Penal Code, or under any local or special law in accordance with sections 7 and 8 and the fourth schedule of the Code of Criminal Procedure ; ¹ and

- (b) in respect of breaches of the rules from time to time laid down by the British Government in regard to the manufacture, sale and removal of salt, or the prevention of unlicensed manufacture and smuggling, or offences connected therewith, when committed by any person whatsoever within the said local limits.

Fourth.—In the investigation and trial of such offences and breaches of rules, and in the levy of fines therefor, he shall be guided by the provisions of the Code of Criminal Procedure.¹

Fifth.—In all cases in which salt shall be manufactured, carried or stored within the aforesaid salt source in contravention of the rules for the time being in force for the regulation of such manufacture, carriage or storage, the said Court is empowered, in addition to any other penalty which it is authorized to inflict, to declare the said salt confiscated, and dispose of it according to the rules for the time being in force in the Department of Inland Customs

Sixth.—For the purpose of trying offences provided for in paragraph 3 (a) preceding, the local limits of the jurisdiction of the said Court shall be deemed to be a division of the Ajmere district.

Seventh.—Any person convicted on a trial held by the Didwana Salt Source Court of a breach of the rules described in paragraph 3 (b), or offences connected therewith, and any person aggrieved by proceedings held under such rules, may petition the Agent to the Governor-General for the States of Rajputana, who, if he sees fit, may send for the record of the case, and may confirm, reverse or modify the sentence, or pass any other orders not inconsistent with the rules aforesaid.

[*Gazette of India*, 1879, Pt. I, p 820.]

Luni and Phalodi,
Criminal jurisdiction
of Political Officers.

No. 2602-I. B., dated the 19th December 1912.—Printed *supra*, page 551.

Pachbhādra Court.

No. 342-I. J., dated the 19th December 1879.—Whereas by a ² Treaty . dated the 18th day of January 1879, and made between the British Government and His Highness the Maharaja of Jodhpur, for the security of the salt

¹ See now Act V of 1898. Printed General Acts, Vol. V, Ed. 1909, p 14.

² Treaties, Vol. III, Ed. 1909, p. 189.

revenue of British India in the event of the abolition of the Inland Customs Line, it was (amongst other things) agreed that His Highness the Maharaja should extend the provisions of Articles III, V, VI and XVI of the Sambhar Lake Treaty¹ of 1870 to (amongst other salt sources) the Pachbhadra Salt Source, so far as they may be applicable; and whereas by Articles III and VI of the said Sambhar Lake Treaty of 1870 above referred to, it was agreed between the British Government and His Highness the Maharaja of Jodhpur that the Jodhpur Government should empower the British Government and all officers appointed by the British Government for such purposes, to enter and search, in case of suspicion, houses and all other places, enclosed or otherwise, within the limits thereafter defined, and to arrest and punish with fine, imprisonment, confiscation of goods or otherwise, any and all persons detected within such limits in the violation of any of the rules or regulations which might be laid down by the British Government in regard to the manufacture, sale or removal of salt, or the prevention of unlicensed manufacture or smuggling, and that under the authority of the said Jodhpur Government, the British Government should constitute a Court, presided over by a competent officer, for the trial, and punishment on conviction, of all persons charged with violations of the said rules and regulations or offences connected therewith; and that the British Government should be authorized to cause the confinement of any such offenders sentenced to imprisonment within the aforesaid limits or elsewhere as might seem to it most fitting :

In pursuance of the provisions hereinbefore recited, and under the authority aforesaid, the Governor-General of India in Council hereby declares—

First.—A Court, to be called the Pachbhadra Salt Source Court, is hereby established.

Second —The local limits of the jurisdiction of such Court shall be the limits of the Pachbhadra Salt Source, as they may be demarcated under Article V of the said Treaty of the 18th day of January 1879.

Third.—The Assistant Commissioner, for the time being in charge of the British Inland Customs at the Pachbhadra Salt Source, shall be the Judge of such Court. He shall have the powers of a Magistrate of the second class under the Code of Criminal Procedure² with power to commit persons to

¹ Treaties, Vol III, Ed 1909, p 184

² See now Act V of 1898 Printed, General Acts, Vol. V, Ed 1909, p. 14

the Court of Sessions for offences triable by such Court, and he shall have according to such powers, jurisdiction—

- (a) in respect of all offences committed within the said local limits by subjects of Her Majesty, and punishable under the¹ Indian Penal Code, or under any local or special law in accordance with sections 7 and 8² and the fourth schedule of the² Code of Criminal Procedure; and
- (b) in respect of breaches of the rules from time to time laid down by the British Government in regard to the manufacture, sale and removal of salt, or the prevention of unlicensed manufacture and smuggling, or offences connected therewith, when committed by any person whatsoever within the said local limits.

Fourth.—In the investigation and trial of such offences and breaches of rules and in the levy of fines therefor, he shall be guided by the provisions of the Code of Criminal Procedure.²

Fifth.—In all cases in which salt shall be manufactured, carried or stored within the aforesaid salt source in contravention of the rules for the time being in force for the regulation of such manufacture, carriage or storage, the said Court is empowered, in addition to any other penalty which it is authorized to inflict, to declare the said salt confiscated, and dispose of it according to the rules for the time being in force in the Department of Inland Customs.

Sixth.—For the purpose of trying offences provided for in paragraph 3 (a) preceding, the local limits of the jurisdiction of the said Court shall be deemed to be a division of a district, of which the Political Agent, Marwar, shall be the District Magistrate. Such Agent shall also be the Court of Sessions, and the Agent to the Governor-General for the States of Rajputana the High Court, with respect to such district.

Explanation.—No appeal lies from any sentence or order passed by the Political Agent as District Magistrate.

Seventh.—Any person convicted on a trial held by the Pachbhadra Salt Source Court of a breach of the rules described in paragraph 3 (b), or offences connected therewith, and any person aggrieved by proceedings held under such rules, may petition the Agent to the Governor-General for the States of Rajputana, who, if he sees fit, may send for the record of the case and may confirm, reverse or modify the sentence, or pass any other orders not inconsistent with the rules aforesaid.

[*Gazette of India*, 1879, Pt I, p 821.]

¹ Printed General Acts, Vol I, Ed 1909, p 224.

² See now Act V of 1898 Printed General Acts, Vol. V, Ed. 1909, p. 14.

No. 1626-I. B., dated the 16th June 1899.—Printed *supra* page 104.

Payment of expenses
of complainants and
witnesses in the
Sambhar Lake,
Didwana and
Pachbhadra Courts.

No. 1344-I. B., dated the 30th June 1911.—Printed in Appendix XIIB.

No. 1345-I. B., dated the 30th June 1911.—Printed in Appendix XIIC.

Reciprocal service of
summonses between
Civil and Revenue
Courts in British
India and in the
Jaipur and Jodhpur
States.

VI.—Local Laws.¹

Reception in the
asylums at Lahore
and Agra of lunatics
from States in Raj-
putana.

No. 1524-I A., dated the 28th April 1905.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to authorize the reception and detention in the Lunatic Asylums at Lahore and Agra, in the Punjab and United Provinces, respectively, of such lunatics from the Native States in the Rajputana Agency as may be sent thereto by order of the Agent to the Governor-General in Rajputana.

[*Gazette of India*, 1905, Pt I, p 282.]

Sambhar Lake
Rules.

No. 4, dated the 1st January 1871.—The following rules are made in pursuance of the Treaty² concluded by the British Government on 7th August 1869, with the Maharaja of Jaipur, and the Treaties³ concluded on 22nd November 1869, and 18th April 1870, with the Maharaja of Jodhpur regarding the Sambhar Salt Lake :—

They shall extend to the territory mentioned in the fourth Article of each of the said Treaties and demarcated in manner hereinafter mentioned .

And they shall come into force on the 1st day of January 1871 :—

I.—The Commissioner of Inland Customs, the Assistant Commissioner for the time being in charge of the Customs Department at the Sambhar Lake, and such other subordinates of the Department as the Commissioner may from time to time, by writing under his hand, empower in that behalf, are charged with all arrangements connected with the manufacture, storage and transport of salt, and also with supervising in every respect the enforcement of these rules

II.—The said territory shall be demarcated by a line of frontier marks laid down by officers of the British Government, in concert with the officials of the Jaipur and Jodhpur Governments. This line of demarcation may be referred to in English official documents as “the outer line,” and in vernacular documents as *line doyam*.

III.—An inner line of demarcation shall be laid down, under authority of the British Government, at such distance from the high-water mark of the Lake as may be found convenient. The town of Sambhar and all other hamlets lying within the outer line of demarcation, as well as wells, tanks, temples, habitations and other places to which the general public have any need of access, shall, so far as may be practicable, be excluded from this

¹ For other Local Laws made under the Indian (Foreign Jurisdiction) Order in Council, 1902, see Orders in force relating to Courts, *supra*,

² Treaties, Vol III, Ed 1909, p 112.

” ” ” ” ” p. 184.

inner line of demarcation, which may be referred to in English official documents as "the inner line" and in vernacular documents as *line aval*

IV.—Within the said territory no person, other than a person duly authorized in this behalf, shall manufacture salt.

V.—Within the inner line no person, other than a person authorized by a certificate in writing from the proper officer, shall have in his possession or shall store or transport, any salt.

VI.—Between the inner and outer lines no persons, other than a person duly authorized by a certificate in writing from the proper officer, shall have in his possession, or shall store or transport, any salt exceeding twenty seers British weight.

VII.—Subject to the provisions contained in Rule X any officer of the Inland Customs Department may seize any salt which, in contravention of these rules, is in process of manufacture, in transit, or in possession of any persons.

VIII.—Any officer of the said Department, having reason to think that any person is in possession of salt in contravention of these rules, may within the limits aforesaid, search such person and seize the salt (if any) found in his possession.

IX.—Any officer of the said Department, having reason to think that contraband salt is contained in any conveyance or package, may, within the limits aforesaid, search such conveyance or package and seize the salt (if any) found therein.

X.—If any officer of the said Department not of lower grade than Assistant Patrol shall have reason to think that salt is, in contravention of these rules, stored in any building used as a dwelling-house or as a place for worship, or for the custody of property, or in any enclosed place adjoining to, and used with, such building within the aforesaid limits, he shall, after recording in writing, for the information of his superiors, the grounds for his belief, first obtain the aid of any official whom the State authorities of the joint jurisdiction of the Governments of Jaipur and Jodhpur, if the building or place be within the limits described in Article 4 of the Treaties of 7th August and 22nd November 1869, or whom the State authorities of Jodhpur, if the building or place be within the limits described in Article 4 of the Treaty of 18th April 1870, may, at his request, depute for the purpose, and shall, in presence of such official, proceed to the said house or place and summon its owner, or any person residing in or in charge of such house or place, to deliver up to him all then in his possession, or within the said house or place. If such owner or person shall refuse, or within reasonable space of time shall fail, to produce such salt, the Customs officer, after giving

due notice that all females may withdraw from the premises, and allowing reasonable time and facilities for withdrawing, may enter and proceed to search the same, using such force as may be necessary to attain these objects and may seize all contraband salt found therein .

Provided that in cases in which the customs officer aforesaid may have reasonable fear that the salt will be removed before he can comply with the formalities prescribed in this rule, he may post men to watch the premises and prevent such removal.

But no search shall take place until all formalities herein prescribed have been complied with, and no search whatever shall be made or attempted between the hours of sunset and sunrise.

XI.—For all purposes connected with the enforcement of these rules, as well as with the prevention and punishment of breaches thereof, and offences on the part of British subjects within the jurisdiction of the Sambhar Lake Court, all officers of the said Department stationed there shall be deemed to be officers of Police, and shall respectively exercise the powers hereinafter mentioned, and be guided by the laws regulating the conduct of the Police for the time being in force in the district of Ajmere. The powers with which the officers shall be invested are as follows :—

The Assistant Commissioner of Customs shall have the powers of a District Superintendent of Police ;

Officers of a grade not lower than that of Assistant Patrol shall have the powers of a Police-officer in charge of a station ;

Other officers shall have the powers of a Police-constable.

XII.—For the purposes of the last preceding rule, breaches of these rules shall be deemed to be offences for which, under the ¹ Code of Criminal Procedure, the Police may arrest without warrant, and all procedure, except as hereinbefore laid down, shall be regulated accordingly.

XIII.—Whoever breaks any of the foregoing rules shall, for the first offence, be punishable, on conviction, with fine not exceeding two hundred rupees, or with rigorous or simple imprisonment for a term which may extend to six months, or with both ;

and shall for the second and every subsequent offence, be punishable on conviction, with fine not exceeding one thousand rupees, or with rigorous or simple imprisonment for a term which may extend to two years, or with both :

¹ See now Act V of 1898. Printed General Acts, Vol. V, Ed. 1909, page 14.

Provided that all sentences under the second paragraph of this rule shall, before being executed, be referred to the Governor-General's Agent for Rajputana for confirmation or such modification as he thinks fit * * *

XIV.—Whoever, within the said limits, voluntarily obstructs any servant of the British Government in the discharge of his functions as such shall be liable to punishment other than whipping as for a breach of these rules.

XV.—Any servant of the British Government who shall, without reasonable ground of suspicion, or vexatiously and unnecessarily, make or cause to be made, any search or seizure on the pretence of enforcing these rules, or who shall commit any other excess not required for the execution of his duty, shall be liable to punishment other than whipping as for a breach of these rules.

XVI.—Whoever abets, within the meaning of the ²Indian Penal Code any offence made punishable by these rules, shall be punished with the punishment other than whipping hereinbefore provided for such offence.

XVII.—Nothing herein contained shall be deemed to affect the powers conferred on the Governor-General's Agent for Rajputana by the ³notification of the Foreign Department, No 505 (Political), dated the 15th March 1870.

XVIII.—Government reserves the right of adding to, or altering, these rules as may from time to time be found advisable

[*Gazette of India*, 1871, Pt I, p 16]

No. 3564-Exc., dated the 19th June 1905 —The following rules are made in pursuance of the ⁴Agreement concluded by the British Government on the 18th of January 1879 with the Maharaja of Jodhpur regarding the lease to the British Government of the Salt Sources of Pachbhadra, Didwana and Phalodi, and the Luni Salt Tract. Didwana and Pachbhadra Rules.

They shall apply to the Salt Sources of Pachbhadra and Didwana only, and shall extend to the territory at those sources which has been demarcated in the manner provided for in Article V of the Agreement

RULES

I.—The Commissioner of Northern India Salt Revenue, the Assistant Commissioners of Northern India Salt Revenue for the time being in charge of the Salt Sources of Pachbhadra and Didwana, ⁵ and such other subordinates as the Commissioner may from time to time empower in that behalf are

¹ Cancelled by notification No 340, dated the 20th April 1883. *Gazette of India*, 1883, Pt I, p 189

² Printed General Acts Vol I, Ed 1909, p 224

³ Superseded by notification No 2112-P, dated the 25th September 1874 Printed *supra*, p 551

⁴ Treaties, Vol III, Ed 1909, p 134

⁵ Didwana has been incorporated in the charge of the Assistant Commissioner, Sambhar.

charged with all arrangements connected with the manufacture, storage, and transport of salt, and also with supervising in every respect the enforcement of these Rules.

II — Within the demarcated territory, no person, other than a person duly authorised in this behalf, shall manufacture salt.

III — Within the said territory no person, other than a person authorised by an order in writing from the proper officer, shall have in his possession, or shall store or transport, any salt

IV — Subject to the provisions contained in Rule VII, any officer of the Northern India Salt Revenue Department may seize any salt which, in contravention of these Rules, is in process of manufacture, in transit or in possession of any person within the said territory.

V — Any officer of the said Department, having reason to believe that any person is in possession of salt in contravention of these Rules, may within the said territory, search such person and seize the salt (if any) found in his possession.

VI — Any officer of the said Department, having reason to believe that salt is contained in any conveyance or package in contravention of these Rules, may, within the said territory, search such conveyance or package and seize the salt (if any) found therein.

VII.— If any officer of the said Department, of not lower rank than Assistant Superintendent, shall have reason to believe that salt is, in contravention of these rules, stored in any building used as a dwelling house, or as a place of worship, or for the custody of property, or in any enclosed place adjoining to and used with such building, within the said territory, he shall after recording in writing, for the information of his superior officers, the grounds for his belief, first obtain the aid of any official whom the State authorities of Jodhpur may, at his request, depute for the purpose, and shall in presence of such official, proceed to the said house or place and summon its owner, or any person residing in or in charge of such house or place, to deliver up to him all salt then in his possession, or within the said house or place. If such owner or person shall refuse, or within a reasonable space of time shall fail, to produce such salt, the officer of Northern India Salt Revenue, after giving due notice that all females may withdraw from the premises, and allowing reasonable time and facilities for withdrawing, may enter and proceed to search the house or place, using such force as may be necessary to attain these objects, and may seize all contraband salt found therein.

Provided that in cases in which the officer of Northern India Salt Revenue may have reasonable cause for apprehension that the salt will be removed

before he can comply with the formalities prescribed by this Rule, he may post men to watch the premises and prevent such removal :

But no search shall take place until all formalities herein prescribed have been complied with, and no search whatever shall be made or attempted between the hours of sunset and sunrise

VIII.—For all purposes connected with the enforcement of these Rules, as well as with the prevention and punishment of breaches thereof, and offences on the part of British subjects within the jurisdiction of the Courts of the salt Sources of Pachbhadra and Didwana, all officers of the Northern India Salt Revenue Department stationed at those sources shall be deemed to be officers of Police, and shall, respectively, exercise the powers hereinafter mentioned, and be guided by the laws regulating the conduct of the Police for the time being in force in the district of Ajmer. The powers with which such officers shall be invested are as follows :—

Assistant Commissioners of Northern India Salt Revenue shall have the powers of a District Superintendent of Police ;

Officers of a rank not lower than that of Assistant Superintendent shall have the powers of a Police Officer in charge of a station ,

Other officers shall have the powers of a Police Constable

IX.—For the purposes of the last preceding Rule, breaches of these Rules shall be deemed to be offences for which, under the Code of Criminal Procedure, the Police may arrest without warrant, and all procedure, except as hereinbefore laid down, shall be regulated accordingly.

X.—Whoever contravenes any of the foregoing Rules shall be punishable on conviction with fine not exceeding two hundred rupees, or with rigorous or simple imprisonment for a term which may extend to six months or with both.

XI.—Whoever, within the said territory, voluntarily obstructs any servant of the British Government in the discharge of his functions as such, shall be liable to punishment as for a breach of these Rules.

XII.—Any servant of the British Government who shall, without reasonable ground for suspicion, or vexatiously and unnecessarily make, or cause to be made, any search or seizure on the pretence of enforcing these Rules, or who shall commit any other excess not required in the execution of his duty, shall be liable to punishment as for a breach of these Rules.

XIII.—Whoever abets, within the meaning of the Indian Penal Code any offence made punishable by these Rules, shall be punished with the punishment hereinbefore provided for such offences.

[*Gazette of India*, 1905, Pt. I, p. 429.]

Rules to regulate
the through traffic
system from Sam-
bhar, Didwana and
Pachbhadra.

No. 547-Exc, dated the 25th January 1905.—In exercise of the powers conferred by section 28 of the Indian Salt Act, 1882 (XII of 1882), and by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in pursuance of the agreement¹ made with the Chief of the State of Jaipur, dated the 7th August 1869, and the agreements² made with the Chief of the State of Jodhpur, dated the 27th January 1870, and the 18th April 1870, and 18th January 1879, which provide for the lease to the British Government of the Salt Sources of Sambhar, Didwana and Pachbhadra within the said States, the Governor-General in Council is pleased to make the following rules to regulate the receipt from the public and the acceptance by the Assistant Commissioners of Salt Revenue at Sambhar,³ Pachbhadra and Khewrah⁴ of indents for the supply of salt under the system called “the through traffic system,” and the transmission of such salt direct by rail to the station named by the applicant.

II. Notifications No. 3883, dated the 26th July 1889, No. 1308, dated the 28th March 1890, and No. 3689, dated the 19th June 1903, by the Government of India in the Finance and Commerce Department, are hereby cancelled.

RULES

1. The salt shall be issued as uniform in quality as possible, but no selection shall be allowed.

2. (1) The applicant for salt shall either remit to the Assistant Commissioner in currency notes or by money order, or, if he prefers it, pay into any authorised treasury or sub-treasury, or into any post office which has been specially appointed in this behalf by the Director-General of the Post Office of India, or into any station of the Great Indian Peninsula (Indian Midland) Railway which has been specially appointed in this behalf by the General Traffic Manager of the said Railway with the concurrence of the Commissioner of Northern India Salt Revenue, the duty payable on the salt he requires, together with its price, the price including the cost of the salt and all charges made in connection with bagging, weighing, loading and despatching it.

When the duty and price are paid into a post office a fee of two annas per one hundred rupees upon the amount thereof (subject to a minimum fee of ten annas in respect of each application) shall be paid at the same time.

(2) Forms of indents or applications for salt shall be issued free of charge.

¹ Treaties, Vol III, Ed 1909, p. 112

² “ ” ” ” ” pp 179—195

³ The Assistant Commissioner, Sambhar, is also in charge of Didwana

⁴ Depôt of the Mayo Mine in the Pind Dadan Khan *talsil*, Jhelum District, Punjab.

(3) The duty and price shall be those payable at the rates respectively fixed and in force on the day when the remittance is received by the Assistant Commissioner or payment is made as aforesaid.

3. (1) When payment is made into a treasury or sub-treasury, the office receiving the money shall give the person tendering it a receipt, and shall by the same day's post despatch advice of the receipt to the Assistant Commissioner of Salt Revenue by whom the salt is to be supplied

(2) When payment is made into a Station on the Great Indian Peninsula (Indian Midland) Railway, the Station Master receiving the money shall give the person tendering a receipt, and shall at once send a copy of the receipt through the Cashier to the Audit Office of the Railway, and the copy of the receipt so sent shall be forwarded (duly countersigned by or on behalf of the Chief Auditor), as an advice, to the Assistant Commissioner by whom the salt is to be supplied

(3) When payment is made into a Post Office, the Post Master shall himself transmit the indent to the Assistant Commissioner of Salt Revenue by whom the salt is to be supplied, advising him at the same time of the receipt of the sum paid by the applicant for the salt

4. (1) Indents or applications for salt, accompanied by currency notes or supported by receipts granted by Treasury Officers or Station Masters on the Great Indian Peninsula (Indian Midland) Railway or by money order sent separately through the post office, shall be sent by post in a registered cover to the Assistant Commissioner of Salt Revenue by whom the salt is to be supplied.

(2) Full and accurate particulars shall be given in the indent or application as to the destination of the salt, the bags in which it is to be sent, the route by which it is to be despatched and the person or persons to whom it is to be consigned and to whom the railway receipt is to be sent.

(3) The Assistant Commissioner, after comparing the receipt accompanying an indent or application with the advice from the receiving officer and satisfying himself that it is correct and in order, or, in the case of a remittance, after crediting the sum remitted, shall * * *¹ cause the salt to be despatched, freight unpaid, to the consignee, and shall send the railway receipt by post to the consignee or other person who may have been specified in the indent or application.

5. The salt indented for shall be weighed, filled into bags, and loaded into the railway waggons without any further charges than those specified in rule 2.

¹ Omitted by notification No. 4400-Ex, dated the 12th July 1907. *Gazette of India*, 1907, Pt. I, p. 583.

6 (1) Persons indenting for salt must provide bags in sufficient number, and must see—

- (a) that the bags are legibly and accurately marked and consigned to the Assistant Commissioner of Salt Revenue by whom the salt is to be supplied, and that the railway receipt for the bags is posted to him ;
- (b) that all charges on the bags are fully paid ; and
- (c) that the bags are sufficiently strong to hold the salt during the journey.

(2) If the conditions prescribed by sub-rule (1) are not complied with, the Assistant Commissioner of Salt Revenue may refuse to fill the salt into the bags sent.

7. The consignee shall pay the railway freight and charges of the consignment. It must be distinctly understood that the Government is responsible only for the due delivery of the salt to the railway, and that the railway receipt is a sufficient release to the Government for the quantity of salt consigned.

[*Gazette of India*, 1905, Pt. I, p. 48.]

Rules for the
removal of salt from
Sambhar, Dilwana
and Pachbhaddra

No. 549-Exc, dated the 25th January 1905.—In exercise of the power conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in pursuance of the agreement¹ made with the Chief of the State of Jaipur, dated the 7th August 1869, and the agreements² made with the Chief of the State of Jodhpur, dated the 27th January 1870, the 18th April 1870, and the 18th January 1879, which provide for the lease to the British Government of the Salt Sources of Sambhar, Didwana, and Pachbhaddra within the said States, the Governor-General in Council is pleased to declare that rules 12 to 29 (inclusive) of the rules made by the Governor-General in Council in exercise of the powers conferred by the said Indian Salt Act, 1882 (XII of 1882), and published with the³ notification of the Government of India in the Finance and Commerce Department, No. 1892, dated the 27th June 1884, as amended by notification No 541-Exc of this date, shall, so far as they can be made applicable, apply to salt manufactured in and sold at or removed from any of the said Salt Sources.

[*Gazette of India*, 1905, Pt. I, p. 49.]

¹ Treaties, Vol. III, Ed 1909, p. 112

² pp. 179—195.

³ *Gazette of India*, 1884, Pt. I, p. 246.

s No 1750-Exc, dated the 20th March 1907.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in pursuance of the agreement¹ made with the Chief of the State of Jaipur, dated the 7th August 1869, and the agreements² made with the Chief of the State of Jodhpur, dated the 27th January 1870, the 18th April 1870, and the 18th January 1879, which provide for the lease to the British Government of the salt sources of Sambhar, Didwana and Pachbhadra within the said States, and in supersession of the notification by the Government of India in the Finance Department, No. 1728-Exc., dated the 22nd March 1905, the Governor-General in Council is pleased to declare that, on and after the 20th March 1907, the duty to be paid on salt manufactured at any of the said salt sources shall be one rupee for each maund of 82 $\frac{2}{7}$ pounds, avoirdupois.

[*Gazette of India*, 1907, Pt. I, p. 241.]

¹ Treaties, Vol III, Ed, 1909. p. 112

² " " " " " pp 179—195

ADMINISTERED AREAS IN RAJPUTANA.

PARGANAS BELONGING TO MEWAR AND MARWAR IN
AJMER-MERWARA.

These parganas were incorporated in the Chief Commissionership of Ajmer at the time of its constitution by the following order¹ —

No 1007, dated the 26th May 1871—Under the provisions of section 3 of Acts 17 and 18 Victoria, Chapter 77, His Excellency the Viceroy and Governor-General in Council is pleased to take under his immediate authority and management the Commissionership of Ajmere comprising the Ajmere District, the Merwara Parganas of Beawar, Jak, Shamghar, Bebar-Burkocha Bhoelan, Todgarh, Diwair, Saroth, Chang and Kot-Karana and to give the following orders respecting the administration thereof. The aforesaid District and Parganas are constituted into a Chief Commissionership, entitled the Chief Commissionership of Ajmere, under the general control of the Government of India in the Foreign Department with effect from the 1st April 1871.

2 The Agent to the Governor-General in Rajputana shall be *ex-officio* Chief Commissioner. He will also exercise the powers of Judicial Commissioner and Financial Commissioner.

* * * * *

[*Gazette of India*, 1871, Pt. I, p 398.]

The following notification declares the laws in force —

No 78-J., dated the 8th March 1872 —His Excellency the Viceroy and Governor-General of India in Council is pleased to apply the foregoing Regulation² for Ajmere and Merwara to the parganas of Todgarh, Diwair Saroth, Chang and Kot-Karana.

His Excellency the Viceroy and Governor-General of India in Council is further pleased to declare that all laws and regulations that are now or may hereafter be in force in Ajmer and Merwara shall apply to and have force in the aforesaid parganas so long as they are under the administration of the British Government.

[*Gazette of India*, 1872, Pt I, p 221.]

¹ Simultaneously the following notification was also published —*No 104-P, dated the 26th May 1871* With reference to the notification in the Legislative Department, dated Simla, 27th May 1870, publishing for general information Act XXXIII Vic, Cap 3 (*An Act to make better provision for making Laws and Regulations for certain parts of India and for certain other purposes relating thereto*), His Excellency the Viceroy, and Governor-General in Council is pleased to direct that the following copy of a Resolution, passed by the Secretary of State for India in Council, be published for general information —

Dated India Office, London. The 16th March 1871

Resolved that the proposal of the Government of India, that the provisions of Act XXXIII Vic., Cap. 3 be extended to the Districts known as Ajmere and Merwara, be approved

[*Gazette of India*, 1871, Pt. I, p 398]

² i.e., the Ajmer Courts Regulation, 11 of 1872, since repealed by the Ajmer Courts Regulation I of 1877, which is now therefore in force in these parganas in virtue of the second clause of this notification. The Regulation is printed in the Ajmer Code, Ed 1905, p. 163.

Original and appellate criminal jurisdiction over Christian European British subjects resident in these parganas is vested in the High Court at Allahabad by notification ¹ No. 854-I. B, dated the 16th April 1913; while for the purposes of the Administrator-General's Act, 1874 (II of 1874), these parganas are included in the Presidency of Bengal by notification² No. 856-I.B., dated the 16th April 1913.

¹ Printed in Appendix IV

² Printed in Appendix VI.

ADMINISTERED AREAS IN RAJPUTANA.

ABU, ANADRA AND KHARARI.

The following British enactments are in force in Abu, Anadra and Kharari —

I.—Statutes—*See* Appendix I

II.—Acts of the Governor-General in Council.—*See* Appendix II.

III.—Orders under Statutes.

28 Vict, c 15.

No 853-I.B., dated the 16th April 1913—Printed in Appendix IV.

53 and 54 Vict, c. 37.

The Indian (Foreign Jurisdiction) Order in Council, 1902.—*See* Appendix III.

Indian Christian Marriage Act, 1872

IV.—Orders under Acts of the Governor-General in Council.

The Magistrate of Abu and the Resident, Western Rajputana States, appointed Marriage Registrars and licensed to grant certificates of marriage between Native Christians.

No 1704-G, dated the 6th August 1873
No 4250-I, dated the 26th October 1888 }.—Printed in Appendix V.

Certificates of marriage to be sent to the Commissioner, Ajmer-Merwara

No 4262-I, dated the 26th October 1888.—Printed in Appendix V.

Delegation to the Agent to the Governor-General of powers under sections 6, 8 and 9.

No. 3745-I.B, dated the 1st October 1897.—Printed in Appendix V.

Fees and Rules.

No. 1586-E, dated the 29th August 1892—Printed in Appendix V.

Administrator-General's Act, 1874

Inclusion of Sirohi State in the Presidency of Bombay for purposes of the Act.

No. 855-I.B, dated the 16th April 1913.—Printed in Appendix VI.

Exercise by the Magistrate of Abu of the powers and duties of a District Judge under the Act.

No. 3542-I, dated the 27th August 1891.—Printed in Appendix VI.

No. 3102, dated the 16th August 1909.—Printed in Appendix XVII.
(The Indian Arms Rules, 1909.)

Indian Arms Act,
78

Exemption of certain
persons from certain
prohibitions and
directions contained
in the Act
Rules regarding the
export of arms and
ammunition from,
and their import into,
British India.

Indian Income-tax
Act, 1886

No. 4135-I, dated the 16th September 1887.—Printed in Appendix VII.

The First Assistant to
the Agent to the
Governor-General
and the Resident,
Western Rajputana
States, invested with
certain powers of a
Collector under the
Act

Births, Deaths and
Marriages Registra-
tion Act, 1886

No. 2018-I B, dated the 25th September 1912.—Printed in Appendix VIII.

The Magistrate of
Abu appointed
Registrar of Births
and Deaths, and the
Registrar General
for Ajmer-Merwara
appointed Registrar
General

No. 1173, dated the 19th July 1888.—Printed in Appendix VIII.

Rules.

Indian Stamp Act,
1899

¹No. 3616-Exc., dated the 16th July 1909 —In exercise of the powers conferred by section 9, clause (a), of the Indian Stamp Act, 1899 (II of 1899),
* the Governor-General in Council in pleased * * to remit the duties
* chargeable in respect of instruments of the classes hereinafter described :—

Remission of duty
in British India on
instruments executed
and properly
stamped in Abu,
Anadra and Kharari.

* * * * *

81. Instrument executed in the areas mentioned in the schedule hereto attached in respect of which the stamp duty with which it is chargeable under the Stamp Law for the time being in force in the said areas has been paid in accordance with the said Law

SCHEDULE.

Areas

* * * * *

Abu and Anadra, including the road leading from the Abu Sanitarium to Abu Road Railway Station and to the Bazar at Kharari.

* * * * *

[Gazette of India, 1909, Pt. I, p. 597.]

¹ For notifications securing similar remissions in Administered Areas under British Jurisdiction of. Vol. II, pp 111 and 176, and corresponding notifications in Volumes III & IV.

Indian Universities
Act, 1904.

Inclusion of Raj-
putana in the terri-
torial limits of the
Allahabad Univer-
sity.

No. 717, dated the 20th August 1904.—Printed in Appendix X.

Indian Army Act,
1911.

Arrangements con-
cerning the Mewar
Bhil Corps.

No. 2708-I. A, }
No. 279-I. A, } dated the 28th December 1911.—Printed *supra* page 550.

Indian Lunacy
Act, 1912.

Reception in the
Asylums at Lahore
and Agra of lunatics
from Abu, Anadra
and Kharari.

In exercise of the power conferred by ¹section 17 A of the Indian Lunatic Asylums Act, 1858 (XXXVI of 1858), as amended by subsequent enactments, the Governor-General in Council is pleased to appoint the Lunatic Asylum at ^{Agra}Lahore in the ^{United Provinces}Punjab to be an asylum to which a Magistrate or Judge exercising jurisdiction in the British cantonments and railway lands within the limits of the Rajputana Agency and in Abu, Anadra and the Kharari bazar, including the road leading from Abu Sanatorium to Abu Road Railway Station and to the bazar at Kharari, may send lunatics.

[*Letters of the Government of India, Nos. 641—642-I. A., dated the 24th July 1906.*]

¹ See now section 98 of the Indian Lunacy Act, 1912 (IV of 1912).

V.—Acts locally applied.

No. 679-I. B., dated the 2nd April 1913.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, the Governor-General in Council is pleased to apply to Abu, Anadra and the bazar at Kharari, including the road leading from Abu to Abu Road Railway Station and to Kharari (hereinafter styled "the Abu Area") the enactments specified in the first schedule hereto annexed, in so far as the same may be applicable thereto, and subject to any amendments to which the enactments are for the time being subject in British India.

Provided, first, that in the enactments as so applied, references to a Local Government, or the Chief Controlling Revenue Authority shall be read as referring to the Agent to the Governor-General in Rajputana : references to a Secretary to a Local Government as referring to the First Assistant to the Agent to the Governor-General in Rajputana . references to a High Court as referring to the Court of the Agent to the Governor-General in Rajputana : and, except where the context or the modifications hereinafter referred to otherwise require, references to British India or the territories subject to a Local Government as referring to the Abu Area.

Provided, secondly, that the further modifications and restrictions set forth in the said schedule shall be made in the enactments as so applied.

Provided, thirdly, that for the purposes of facilitating the application of the said enactments any Court in the Abu Area may construe the provisions thereof, and any notifications, orders, rules, forms or bye-laws thereunder, with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court.

Provided, fourthly, that subject to the provisions of this notification the Agent to the Governor-General in Rajputana may direct by what officer any authority or power under the said enactments shall be exerciseable.

II. The notifications of the Government of India in the Foreign Department mentioned in the second schedule¹ hereto annexed are hereby cancelled to the extent noted against each.

Provided that all civil and criminal proceedings pending at the date of this notification shall be carried on as if this notification had not been issued, but that, save as aforesaid, all proceedings commenced, officers appointed or authorized, jurisdictions or powers conferred or confirmed, notifications published, rules or bye-laws made, orders passed and things done under any of the enactments specified in the notifications hereby superseded in the Abu Area shall be, as far as may be, deemed to have been respectively commenced, appointed or authorized, conferred or confirmed, published, made, passed and done, under the corresponding enactments specified in this notification.

¹ Not re-printed

FIRST SCHEDULE.

Enactments applied.	Further modifications and restrictions.
<p>1. The Indian Penal Code (Act XLV of 1860).</p> <p>2. The Court-fees Act, 1870 (VII of 1870).</p>	<p>In section 75 the words "British India" shall be read as referring to British India and the Abu Area.</p> <p>(1) References to a Collector shall be read as referring to the Magistrate of Abu.</p> <p>(2) Sections 23, 25, 26, 27, 30 and 34 shall be omitted.</p> <p>(3) For sections 28 and 29 the following shall be substituted :—</p> <p>"28. No document chargeable with a fee under this Act shall be of any validity unless and until the amount of such fee is paid.</p> <p>But if any document is, through mistake or inadvertence, received, filed, or used in any Court or office without the fee chargeable upon it having been paid, the presiding Judge or the head of the office, as the case may be, may, if he thinks fit, order that such fee as he may direct be paid on such document ; and, on such fee being paid accordingly, the same and every proceeding relative to such document shall be as valid as if the proper fee had been paid on such document in the first instance.</p> <p>29. Where any document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to pay a fresh fee with regard to it."</p>
<p>3. The Indian Evidence Act, 1872 (I of 1872).</p>	<p>In sections 57, 74, 78 and 79 the words "British India" shall be read as referring to British India, the Abu Area, and areas outside British India under the administration of the Governor-General in Council.</p>

FIRST SCHEDULE—*contd.*

Enactments applied.	Further modifications and restrictions.
<p>4. The Indian Contract Act, 1872 (IX of 1872).</p> <p>5. The Provincial Small Cause Courts Act, 1887 (IX of 1887).</p>	<p>(1) Section, 2, 6 to 12, 18 to 21, 28 sub-section (2), 30 to 34, and 37 shall be omitted.</p> <p>(2) For section 5 the following shall be substituted:— “5 (1) There shall be a Court of Small Causes at Abu (2) The Magistrate of Abu shall be the Judge of the Court, and the local limits of the jurisdiction of the Court shall be the limits for the time being of the Abu Area”</p> <p>(3) In section 13, for the words from a “Civil Court” to “is established” the words “the District Court” shall be substituted, and the words from “other than” to the end shall be omitted.</p> <p>(4) In section 22 for the words from “and an” to “or other” the word “the” shall be substituted.</p> <p>(5) In sections 24 and 28 for the words “District Court” the words “Resident in the Western States of Rajputana” shall be substituted</p> <p>(6) Nothing in the Act as applied shall be deemed to apply to suits to which all the parties are subjects of the Rao of Sirohi.</p>
<p>6. The Revenue Recovery Act, 1890 (I of 1890).</p>	<p>For section 8 the following shall be substituted:—</p> <p>“8. The provisions of this Act shall apply equally to— (a) the recovery in the Abu Area of any arrear of land-revenue accruing, or sum recoverable as an arrear of land-revenue and payable to a Collector or other public</p>

FIRST SCHEDULE—*contd.*

Enactments applied.	Further modifications and restrictions.
<p>7. The Epidemic Diseases Act, 1897 (III of 1897).</p> <p>8. The General Clauses Act, 1897 (X of 1897).</p> <p>9. The Code of Criminal Procedure, 1898 (V of 1898).</p> <p>10. The Indian Stamp Act, 1899 (II of 1899).</p>	<p>officer or to a local authority, in any part of British India or in any local area, which is not part of British India but which is under the administration of the Governor-General in Council and to which the Revenue Recovery Act, 1890, has been applied; and</p> <p>(b) the demand for the recovery in British India or in any such local area of any such arrear accruing, or sum so recoverable and payable, in the Abu Area.”</p> <p>.....</p> <p>In section 3, clause (7), the words “British India” shall remain unmodified, but in any other enactment, where this definition would otherwise apply, the words shall be read subject to the provisions of this notification.</p> <p>(1) Sections 22 to 25 shall be omitted.</p> <p>(2) The powers prescribed by sections 401 and 402 shall be exercised only by the Governor-General in Council.</p> <p>(3) In section 503, sub-section (1), after the words “such attendance and” the words “if such witness resides in any area to which this Code applies or in British India” shall be inserted.</p> <p>(4) Nothing in the Code as applied shall be deemed to apply to proceedings against European British subjects or persons charged jointly with Europeans British subjects</p> <p>(1) Sections 57, 58 and 59 shall be omitted.</p> <p>(2) In section 60, sub-section (1), the words “other than a Court mentioned in section 57” and “or Chief Court refer the same” shall be omitted.</p>

FIRST SCHEDULE—*contd.*

Enactments applied.	Further modifications and restrictions.
<p>11. The Provincial Insolvency Act, 1907 (III of 1907).</p> <p>12. The Code of Civil Procedure, 1908 (V of 1908).</p>	<p>(3) In section 60, sub-section (2), the words "as if it had been referred under section 57" and "under the seal.....another like copy" shall be omitted.</p> <p>.....</p> <p>(1) In section 2, sub-section (5), section 10, and rule 49, sub-rules (4) and (5), of Order XXI in the first schedule the words "British India" shall be read as referring to British India and the Abu Area.</p> <p>(2) In the proviso to section 29 after the word "summonses" the words "are situate in British India or" shall be inserted.</p> <p>(3) For section 43 the following shall be substituted:—</p> <p>"43. Any decree passed by a Civil Court in British India or by any Court established or continued by the authority of the Governor-General in Council may, if it cannot be executed within the jurisdiction of the Court by which it was passed, be executed in the manner herein provided within the jurisdiction of any Court in the Abu Area."</p> <p>(4) In section 45 after the words "any Court" the words "situate in British India or" shall be inserted.</p> <p>(5) For section 78, clause (b), the following shall be substituted:—</p> <p>"(b) Courts situate in British India or in any other part of the British Empire, or"</p> <p>(6) To rule 25 of Order V in the First Schedule the following shall be added:—</p> <p>"Provided that if the defendant resides in British India the summons may be sent for</p>

FIRST SCHEDULE—*contd.*

Enactments applied.	Further modifications and restrictions.
<p>13 The Indian Limitation Act, 1908 (IX of 1908).</p> <p>14 The Whipping Act, 1909 (IV of 1909).</p> <p>15. The Indian Paper Currency Act, 1910 (II of 1910).</p>	<p>service to a Court (not being a High Court) having jurisdiction at the place where he resides : and if the Court returns the summons with an endorsement signed by the Judge or other officer of the Court that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be deemed to be evidence of service."</p> <p>(7) The provisions of rule 48 of Order XXI in the first schedule shall apply only to those cases in which the salary or allowances are payable in the Abu Area.</p> <p>(1) In section 13 the words "British India" shall be read as referring to British India and the Abu Area</p> <p>(2) Section 30 and the Second Schedule shall be omitted.</p> <p>(3) For section 31 the following shall be substituted :— "31. Notwithstanding anything contained in this Act, a suit for foreclosure or a suit for sale by a mortgagee instituted within sixty years from the date when the money secured by the mortgage became due and pending at the date of this notification, in a Court either of first instance or of appeal, shall not be dismissed on the ground that a twelve years' rule of limitation is applicable."</p> <p>Section 6 shall be omitted.</p> <p>Only the following section shall apply as hereby modified :— "15. A universal currency note for the time being of British India and</p>

FIRST SCHEDULE—*concl'd*

Enactments applied.	Further modifications and restrictions.
<p>16. The Indian Lunacy Act, 1912 (IV of 1912).</p>	<p>any currency note of the Bombay Circle of issue as established for the time being under the Indian Paper Currency Act, 1910, shall be a legal tender for the amount expressed in the note in payment or on account of—</p> <p>(a) any revenue or other claim to the amount of five rupees or upwards due to Government, and</p> <p>(b) any sum of five rupees or upwards due by Government or by any body corporate or person ”</p> <p>(1) To section 3, sub-section (1), the following shall be added :— “and includes any asylum in British India which the Governor-General in Council may by general or special order appoint.”</p> <p>(2) Sections 14, 15 and 67 shall be subject to the proviso that, if a lunatic is an inhabitant of a Native State, the Magistrate or Judge, as the case may be, may make him over to the care of such State with its consent and, in the case of an order under section 67, with the consent of the person on whose application the inquisition was instituted</p> <p>(3) In section 85 for the words “in any province” and “in any other province”, respectively, the words “in the Abu Area” and “outside the Abu Area” shall be substituted.</p>

VI.—Orders relating to Courts.

Execution of capital sentences in British India. *No 1431-I, dated the 27th April 1893.*—Printed in Appendix XIII.

Criminal law and Procedure of British India applicable to British subjects in Native States. *No 1863-I A., dated the 13th May 1904* —Printed in Appendix IV.

High Court at Bombay to exercise jurisdiction over European British subjects. *No 853-I. B., dated the 16th April 1913* —Printed in Appendix IV.

Justices of the Peace to commit to the High Court at Bombay. *No. 2616-I, dated the 6th August 1890.*—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests. *No. 680-I B, dated the 19th March 1912* —Printed in Appendix IV.

Appointments of Justices of the Peace. *No. 2761-I, dated the 18th September 1883.* } —Printed in Appendix IV.
No. 287-I, dated the 23rd January 1884. }

Constitution of Civil and Criminal Courts.

No. 680-I. B., dated the 2nd April 1913 —In exercise of the power conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf, and in supersession of the notification of the Government of India in the Foreign Department, No. 286-I, dated the 23rd January 1884, as subsequently amended, the Governor-General in Council is pleased to provide as follows for the administration of justice within the limits of Abu, Anadra and Kharari, including the road leading from Abu to Abu Road railway station and to Kharari. But nothing herein shall apply to criminal proceedings in which both the complainant (if any) and the accused, or to civil suits in which all the parties, are subjects of the Rao of Sirohi.

PART I.—*Criminal Jurisdiction.*

For the purposes of criminal jurisdiction within the said areas, the following arrangements shall be made, namely :—

- (1) There shall be a Magistrate of Abu, who shall be such person as the Agent to the Governor-General in Rajputana may from time to time appoint and shall exercise the powers of a District Magistrate as described in the Code of Criminal Procedure, 1898.
- (2) The Resident in the Western States of Rajputana shall exercise the powers of a Court of Session as described in the said Code.

- (3) The Agent to the Governor-General in Rajputana shall exercise the powers of a High Court as described in the said Code.
- (4) Nothing in this part of these orders shall apply to proceedings against European British subjects or persons jointly charged with European British subjects.

PART II.—*Civil Jurisdiction.*

For the purposes of civil jurisdiction within the said areas, the following arrangements shall be made, namely :—

- (1) The Magistrate of Abu shall exercise the powers of a District Court, as described in the Code of Civil Procedure, 1908, with jurisdiction in all original suits, whatever be the amount or value of the subject matter, and in all other cases in which jurisdiction is conferred on the District Court by the law for the time being in force in the said areas.
- (2) Appeals shall lie, subject to the provisions of the enactments for the time being in force in the said areas, from the decrees and orders of the said District Court to the Agent to the Governor-General in Rajputana, who shall exercise the powers of a High Court for all purposes whatsoever connected with the administration of civil justice within the said areas.

[*Gazette of India*, 1912, Pt. I, p. 327.]

No. 1626-I. B., dated the 16th June 1899.—Printed *supra* page 104.

No. 2791-G., dated the 8th November 1886.—The following rules are laid down by the Agent to the Governor-General under section 160, Act XIV of 1882 (Code of Civil Procedure), regarding the travelling and other expenses to be paid witnesses summoned to attend the British Civil Courts in Rajputana which were established by Foreign Department notifications ²No. 286-I, dated the 23rd January 1884, and ³No. 1333-I., dated the 30th April 1885 —

I.—Save as hereinafter provided, travelling and other expenses will be allowed on the following scale :—

- (a) to witnesses of the class of cultivators, labourers, and menials three annas a day ;

Payment of expenses of complainants and witnesses in Criminal Courts.

Payment of expenses of witnesses in Civil Courts.

¹ See now Rule 2(3) of Order XVI in the First Schedule to the Code of Civil Procedure, 1908 (V of 1908) Printed General Acts, Vol VI, Ed 1909, p 133

² Superseded by notification No. 680-I B., dated the 2nd April 1912 Printed on page 584 *supra*.

³ Superseded by notification No. 261-I. B., dated the 10th February 1918. Printed Vol V, p. 96.

- (b) to witnesses of a better class such as zamindars, traders, pleaders, and persons of corresponding rank, from six annas to two rupees a day, as the Court may direct :
- (c) to witnesses of superior rank, three rupees a day ; and
- (d) the allowances of officers of Government will be regulated by the rules in the Civil Travelling Allowance Code.¹

II.—No expenses, other than travelling charges, will be allowed to legal practitioners practising at the place where the Court which they are summoned to attend is held.

Travelling charges may be allowed to these witnesses at such rates as the Court considers reasonable and necessary.

III.—Persons other than those mentioned in the last preceding rule, residing within a distance of three miles from the court-house, will be allowed their expenses at half the rates prescribed in Rule I.

IV.—If a witness demand any sum in excess of what has been paid to him, such sum will be allowed if he satisfy the Court that he has actually and necessarily incurred the additional expense.

V.—If a witness be detained for a longer period than one day, the expenses of his detention will be allowed at such rate, not exceeding that payable under Rule I, as may seem to the Court to be reasonable and proper.

VI.—The Court may, on consideration of the merits of any case, for reasons stated in writing, allow expenses on a higher scale than that prescribed in the foregoing rules.

[*Gazette of India*, 1886, Pt. II, p. 681.]

Courts in British India empowered to send summonses under the Code of Civil Procedure and decrees to the District Court and the Court of Small Causes in Abu for service and execution.

No. 786-I. B., dated the 9th April 1913.—Printed in Appendix XII A.

Service by the said Court in Abu of summonses—(a) of Civil or Revenue Courts in British India ;

No. 1366-I, dated the 29th March 1889.—Printed in Appendix XII A.

¹ Now the Civil Service Regulations

² See also modification 2 in the Code of Civil Procedure as locally applied, *supra* p. 581.

No. 1367-I., dated the 29th March 1889.

No. 1368-I., dated the 29th March 1889

No. 2182-I., dated the 2nd July 1890.

No. 397-I.B., dated the 25th February 1910.

} Printed in Appendix XII A.

(b) of other ¹ Courts established or continued by the Governor-General in Council,
(c) of Civil or Revenue Courts of Hyderabad, Mysore, Central India States, States in the political control of the Bombay Government and Baroda.

⁴*No. 1363-I., dated the 29th March 1889.*

No. 1364-I., dated the 29th March 1889.

No. 4051-I.A., dated the 18th September 1902.

No. 399-I.B., dated the 25th February 1910.

} Printed in Appendix XII A.

Execution by the Court of the Cantonment Magistrate of Abu of decrees—
(a) of other ¹ Courts established or continued by the Governor-General in Council;
(b) of certain Courts of Mysore, Bombay Government and Baroda.

No. 1367-I., dated the 29th March 1889 —Printed in Appendix XII A

No. 398-I.B., dated the 25th February 1910.

No. 2622-I.B., dated the 24th December 1912. } Printed in Appendix XII C.

Service of summonses of the said Courts in Abu ²—
(a) by other ¹ Courts established or continued by the Governor-General in Council;
(b) by Civil Courts of the Baroda and Mysore States.

No. 1363-I., dated the 29th March 1889. — Printed in Appendix XII A.

Execution of decrees of the said Courts in Abu ²—
(a) by other ¹ Courts established or continued by the Governor-General in Council
(b) Civil Courts of the Baroda and Mysore States.

No. 2623-I.B., dated the 24th December 1912. —Printed in Appendix XII C.

¹ For lists of such courts in States in other parts of India, see notifications nos. 786-I B.—788-I. B., dated the 9th April 1913. Printed in Appendix XII A.

² Cf. footnote 2 on previous page.

³ These Courts may send their summonses and decrees to Courts in British India for service and execution, see sections 29 and 43 of the Code of Civil Procedure, 1908 (V of 1908). Printed General Acts, Vol VI, Ed 1909, p 133.

⁴ See also modification 3 in the Code of Civil Procedure as locally applied, *supra* p 581.

VII—Local Laws¹

No. 2568-I, dated the 27th June 1889—Whereas it is expedient that the Agent to the Governor-General in Rajputana should be empowered to make rules with respect to Abu for the protection of birds and other game

The Abu Wild
Birds Protection
Law, 1889.

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879),² and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following orders:—

1. (1) These orders may be called the Abu Wild Birds Protection Law, 1889, and,

Title, extent and
commencement

(2) This Law shall come into force at once.

2. In this Law—

(1) “ Abu ” means Abu, Anadra, and the bazar at Kharari (including the road leading from the Abu Sanitarium to the Abu Road Railway Station and the bazar at Kharari; and

Definition.

(2) “ Wild bird ” includes a peacock and every bird of game.

3. (1) The Agent to the Governor-General in Rajputana may from time to time, by notification in the official Gazette, make rules—

Power to make
rules.

(a) defining the expression “ wild bird ” for the purposes of this Law ;

(b) defining for those purposes the breeding season of any kind of wild bird ; and

(c) prohibiting, subject to such exceptions and conditions as may be prescribed by the rules, the possession or sale during its breeding season within Abu of any kind of wild bird recently killed or taken, or the importation into Abu of the plumage of any kind of wild bird during such season.

(2) The Agent to the Governor-General may, when making a rule under clause (c) of sub-section (1), direct that a breach of it shall be punishable with fine which may extend, in the case of a first offence, to five rupees for every wild bird in respect of which or of the plumage whereof the breach of the rule has been committed, and, in the case of a subsequent offence, to ten rupees in respect of every such bird or plumage.

(3) A Court convicting any person of a breach of any such rule may order the confiscation of any wild bird or plumage in respect of which the breach was committed.

4. The Agent to the Governor-General in Rajputana may, by notification in the official Gazette, declare the provisions of the last foregoing section

Power to apply
Law to any animals
of game.

¹ For other Local Laws made under the Indian (Foreign Jurisdiction) Order in Council, 1902, see the Orders in force relating to Courts, *supra*.

² See now the Indian (Foreign Jurisdiction) Order in Council, 1902 Printed in Appendix III.

with respect to wild birds to apply to any animals of game other than birds and thereupon those provisions shall apply to such animals and their fur in like manner as they apply to wild birds and their plumage.

[*Gazette of India*, 1889, Pt. I, p. 365.]

No. 2651-I, dated the 25th June 1891.—See Appendix XV.

Publication of
newspapers and other
printed works.

ADMINISTERED AREAS IN RAJPUTANA.

CANTONMENTS OF ERINPURA, KHERWARA AND KOTRA.

In the Cantonment of Erinpura,¹ which is situated in the Sirohi State, and the Cantonments of Kherwara and Kotra, which are situated in Mewar the following British enactments are in force :—

- I.—Statutes,
- II.—Acts of the Governor-General in Council, and
- III.—Orders under Statutes,

cited above² as in force in the States in Rajputana.

Similarly the list³ of—

IV.—Orders under Acts of the Governor-General in Council

is the same for these Cantonments as for the Sirohi and Mewar States, respectively, except that—

- (a) none of the orders cited under the Indian Extradition Act, 1903, are operative, and
- (b) the following orders apply to these Cantonments :—

No. 2018-I.B, dated the 25th September 1912.—Printed in Appendix VIII.

Births, Deaths and
Marriages Registra-
tion Act, 1886.

Appointment of
Officer Commanding
at Erinpura and
Officer Commanding
Mewar Bhil Corps
to be Registrars of
Births and Deaths
in Erinpura and in
Kherwara and
Kotra.

Letters of the Government of India, Nos 641—642-I. A., dated the 24th July 1906.—Printed *supra* page 576.

Reception in the
Asylums at Lahore
and Agra of lunatics
from British Canton-
ments in Rajputana.

V.—Acts locally applied.

No. 1415-I., dated the 30th April 1890.—Printed in Appendix XIV.

Application of the
Revenue Recovery
Act, 1890.

No. 443-I. A., dated the 4th February 1897.—Printed in Appendix XVI.

Application of the
Epidemic Diseases,
Act, 1897.

¹ For the definition of the boundaries of Erinpura Cantonment see notification No. 2344-I.A., dated the 13th June 1902. *Gazette of India*, 1902, Pt. I, p. 431.

² Page 548 *supra*.

³ Pages 548—550 *supra*.

VI.—Orders relating to Courts.

- Execution of capital sentences in British India. *No 1431-I, dated the 27th April 1893.*—Printed in Appendix XIII.
- Criminal law and procedure of British India applicable to British subjects in Native States. *No 1863-I A, dated 13th May 1904.*—Printed in Appendix IV.
- Jurisdiction of the High Court at Bombay over European British subjects. *No 853-I. B, dated the 16th April 1913.*—Printed in Appendix IV.
- Justices of the Peace to commit for trial to the High Court having jurisdiction. *No. 2616-I, dated the 6th August 1890.*—Printed in Appendix IV.
- Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests. *No. 680-I. B, dated the 19th March 1912.*—Printed in Appendix IV.
- Appointment of Justices of the Peace. *No. 2761-I, dated the 18th September 1883.* }
No. 1335-I, dated the 27th March 1889. } Printed in Appendix IV.
- Constitution of Criminal Courts. *No. 2602-I. B, dated the 19th December 1912.*—Printed *supra* page 551.
- Payment of expenses of complainants and witnesses. *No. 1626-I. B., dated the 16th June 1899.*—Printed *supra* page 104.

VII.—Local Laws.

- Publication of newspapers and other printed works. *No 2651-I, dated the 25th June 1891* —Printed in Appendix XV.

CANTONMENT OF DEOLI.

The Cantonment of Deoli lies partly in Mewar and Jaipur and partly in the British district of Ajmer¹ For administrative purposes the whole Cantonment has been included in Ajmer by the following notification :—

No. 103-J, dated the 5th June 1872—His Excellency the Viceroy and Governor-General in Council is pleased to declare the Cantonment of Deoli to be part of the Ajmer District.

* * * * *

[*Gazette of India*, 1872, Pt. I, p. 581.]

And the laws of Ajmer in force in the British portion have been applied to the rest of the Cantonment by the following notification :—

No. 99-J, dated the 18th June 1875.—The Governor-General of India in Council is pleased to declare that all Laws and Regulations that are now, or may hereafter be, in force in Ajmer and Merwara shall apply to, and have force within, those parts of the Cantonment of Deoli which are situated within the States of Udaipur and Jaipur.

[*Gazette of India*, 1875, Pt. I, p. 324.]

The Cantonment Magistrate, Deoli, has been invested *ex-officio* with the following judicial powers.—

No. 1062, dated the 14th August 1908.—In exercise of the powers conferred by section 12 of the Code of Criminal Procedure (Act V of 1898) the Chief Commissioner is pleased to invest each of the officers named in the first column of the sub-joined schedule with the powers specified opposite his name in the second column of the schedule to be exercised within the limits detailed in the third column of the schedule :—

Magistrate of the second class.

1	2	3
Names.	With the ordinary powers of a	Within the limits of the revenue district of
* * *	* * *	* * *
(5) The Cantonment Magistrate, Deoli.	Magistrate, 2nd class .	Ajmer.

[*Gazette of India*, 1908, Pt. II, p. 1328]

¹ Cf. notification No. 1007, dated the 26th May 1871. Printed *supra* p. 572.

Subordinate Judge
of the second class,

No. 355-A., dated the 1st June 1877.—Under the authority vested in him by section 5 of Regulation I of 1877 (The Ajmere Code Regulation), the officiating Chief Commissioner, with the previous sanction of the Governor General in Council, is pleased to appoint the following persons to be Subordinate Judges * * in the District of Ajmere.

* * * * *

To be Subordinate Judges of the 2nd class.

+ * * * *

The Cantonment Magistrate, Deoli.

[*Not gazetted.*]

The Cantonment Magistrate is usually invested by name with the powers of a Judge of a Court of Small Causes to be exercised within the limits of the Cantonment.

The remaining courts are those of the Ajmer District.

CHAPTER X.

SIKKIM AND BHUTAN.

The political charge of the Sikkim and Bhutan States was amalgamated in one Agency in 1905, and was transferred to the control of the Government of India from that of the Government of Bengal with effect from the 1st April 1906

In Sikkim the Political Agent tries all criminal charges against British subjects, Europeans or Americans, while in civil suits it is optional with British subjects to have recourse to the Political Agent's Court or to the State Courts.

Under the ¹Bengal Eastern Frontier Regulation, 1873 (V of 1873), the frontier of the Darjeeling District with Sikkim and the frontiers of the Jalpaiguri, Goalpara, Kamrup and Darrang Districts with Bhutan have been constituted "the Inner Line"² which no one, except Government officers on duty and ³persons of Indian, Nepalese, Bhutanese or Tibetan nationality, may cross from the British side without a pass from the Deputy Commissioner of the District. The Political Agent is empowered to control the movements of persons entering or remaining in the States in contravention of the Regulation and of the rules in force thereunder and to compel them to return to British India where they will be liable to the penalties prescribed by the Regulation for such infringement.

There are no Administered Areas and no railways in the Agency.

The following British enactments are in force :—

I.—Statutes.—*See* Appendix I.

II.—Acts of the Governor-General in Council.—*See* Appendix II.

III.—Orders under Statutes.

No. 853-I B., dated the 16th April 1913.—Printed in Appendix IV

28 Vict., Cap. 15.

The Indian (Foreign Jurisdiction) Order in Council, 1902 —*See* Appendix III.

53 and 54 Vict.,
Cap. 37.

¹ Printed Bengal Code, 1905, Vol I, p 397. The Regulation extends *proprio vigore* to the Kamrup and Darrang Districts and has been extended to the Darjeeling and Jalpaiguri Districts by notification No. 605-P., dated the 25th February 1904, and to the Goalpara District by notification No. 442, dated the 30th April 1880 *Gazette of India*, 1904, Pt. II, p. 248, and 1880, Pt. I, p. 255.

² Notifications Nos 717-P. and 719-P., dated the 8th March 1904. *Calcutta Gazette*, 1904, Pt. I, pp. 378 and 379.

Notification Nos. 1285-P.—1288-P., dated the 15th July 1905. *Calcutta Gazette*, 1905, Pt. I, pp. 1278 and 1279.

Notification No. 631-P., dated the 8th March 1876, *Gazette of India*, 1876, Pt I, p 181

Notifications Nos 6034-J —6039-J, dated the 7th June 1906 *Eastern Bengal and Assam Gazette*, 1906, Pt. I, pp 511—513

³ This exemption obtains only in the Darjeeling and Jalpaiguri Districts.

IV.—Orders under Acts of the Governor-General in Council.

Administrator
General's Act, 1874.

Inclusion of Sikkim
in the Presidency of
Bengal for purposes
of the Act.

No. 855-I B., dated the 16th April 1913.—Printed in Appendix VI.

Exercise of the
powers and duties
of a District Judge
under the Act.

No. 3542-I., dated the 27th August 1891.—Printed in Appendix VI.

Indian Arms Act,
1878.

Exemption of certain
persons in Native
States from certain
prohibitions and
directions contained
in the Act.

No. 3102, dated the 16th August 1909.—Printed in Appendix XVII.

(The Indian Arms Rules, 1909.)

Rules regarding the
export of arms and
ammunition from
and their import
into British India.

Indian Foreign
Marriage Act, 1933.
Fees.

No. 341, dated the 11th August 1904.—Printed *supra* page 5.

Indian Extradition
Act, 1903.

Appointment of the
Political Officer in
Sikkim to be
Political Agent for
Bhutan for purposes
of the Act.¹

No. 165-I B., dated the 25th January 1911—Printed in Appendix IX

Political Agents
authorized to grant
extradition for an
act against the law
of a State which
would constitute an
offence under the
Criminal Tribes Act,
1871,² in British
India.

No. 3361-I A., dated the 23rd December 1898.—Printed in Appendix IX.

Rules under the
Act.

No. 1862-I A., dated the 13th May 1904.—Printed in Appendix IX.

Indian Universities
Act, 1904.

Inclusion of
Sikkim in the
territorial limits of
the Calcutta
University.

³*No. 717, dated the 20th August 1904*—Printed in Appendix X.

¹ The agreement of 1910 with Bhutan provides for the extradition of Bhutanese subjects only from British India.

² Repealed by the Criminal Tribes Act, 1911 (III of 1911).

³ At the date of this notification Sikkim was a State in the political control of the Bengal Government.

V.—Orders relating to Courts.

No. 1431-I, dated the 27th April 1893 —Printed in Appendix XIII.

British Courts beyond the limits of British India empowered to send warrants for the execution of capital sentences to officers in charge of prisons in British India.

No. 1863-I. A, dated the 13th May 1904 —Printed in Appendix IV.

Criminal law and procedure of British India applicable to British subjects in Native States.

No. 853-I. B, dated the 16th April 1913 —Printed in Appendix IV.

Jurisdiction of the High Court at Calcutta over European British subjects in Sikkim.

No. 2616-I, dated the 6th August 1890 —Printed in Appendix IV.

Justices of the Peace to commit to the High Court having jurisdiction.

No. 680-I. B, dated the 19th March 1912.—Printed in Appendix IV.

Justices of the Peace invested with powers of Magistrates of the first class and to hold inquests

No. 1931-I.B, dated the 30th September 1909.—Printed in Appendix IV.

Appointment of the Political Officer, Sikkim, to be a Justice of the Peace in Sikkim.

No. 1932-I. B., dated the 30th September 1909.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor-General in Council is pleased to direct as follows —

Criminal jurisdiction of the Political Officer in Sikkim, except in proceedings against European British subjects or persons jointly charged with them.

1. The officer for the time being holding the office of Political Officer in Sikkim shall exercise within the limits of the State (in all cases in which such powers may lawfully be exercised by the Governor-General in Council within that State) the powers of a District Magistrate and a Court of Session as described in the Code of Criminal Procedure, 1898 (V of 1898)
2. In exercise of the jurisdiction of a Court of Session conferred on him by this notification, the Political Officer in Sikkim may take

cognizance of any offence as a Court of original criminal jurisdiction without the accused person being committed to him by a Magistrate, and shall when so taking cognizance of any offence follow the procedure laid down by the Code of Criminal Procedure for the trial of warrant cases by Magistrates.

3. This notification applies to all proceedings except—

- (a) proceedings against European British subjects or persons jointly charged with European British subjects, and
- (b) proceedings pending at the date of this notification, which should be carried on as if this notification had not been issued.

[*Gazette of India*, 1909, Pt. I, p. 1029.]

Execution by the Court of the Political Officer in Sikkim of decrees of Courts in British India.

No. 789-I. B. and 790-I. B., dated the 9th April 1913.—Printed in Appendix XII A.

V.—Local Laws.

Reception in the Asylums at Patna and Berhampur of lunatics from Sikkim.

No. 2092-I. A., dated the 28th September 1911.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and of all other powers enabling him in that behalf the Governor-General in Council is pleased to authorise the reception and detention in the Lunatic Asylums at Patna and Berhampur of such lunatics from the Sikkim State as may be sent thereto by order of the Political Officer in Sikkim.

[*Gazette of India*, 1911, Pt. I, p. 795.]

CALCUTTA
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